

DOCKETED

Docket Number:	26-BUSMTG-01
Project Title:	2026 Business Meeting Agendas, Transcripts, and Public Comments
TN #:	270019
Document Title:	CEC Transcript of the April 27, 2026 Business Meeting
Description:	N/A
Filer:	Kim Todd
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	5/15/2026 3:43:59 PM
Docketed Date:	5/15/2026

CALIFORNIA ENERGY COMMISSION

In the matter of:

	)	
Business Meeting	)	Docket No. 26-BUSMTG-01
_____	)	

MONDAY, APRIL 27, 2026

10:00 A.M. - 3:00 P.M.

In-person at:

CALIFORNIA NATURAL RESOURCES BUILDING
 MEDIA ROOM 2-201, SECOND FLOOR
 715 P STREET
 SACRAMENTO, California 95814
 (Wheelchair Accessible)

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 proposed. 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).

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<https://www.energy.ca.gov/proceedings/business-meetings>.

Reported by:
 Martha Nelson

APPEARANCESCOMMISSIONERS

David Hochschild, Chair

Siva Gunda, Vice Chair

J. Andrew McAllister, Commissioner

Noemi Gallardo, Commissioner

STAFF

Drew Bohan, Executive Director

Mariah Ponce, Chief Counsel's Office

Spencer Reeder, Director, Fuels & Transportation Division

Sierra Graves, Director of Tribal Affairs & Tribal Liaison

Ashley Emery, Program Manager, Reliability, Renewable
Energy, and Decarbonization Incentives (RREDI) Division,
Reliability Reserve Incentives Branch

Deana Carrillo, Director, RREDI Program

Lisa Worrall, Project Manager, Siting, Transmission, and
Environmental Protection Division, CEQA Project
Management Unit

Eric Knight, Manager, Siting and Environmental Branch

PUBLIC ADVISOR'S OFFICE

Ryan Young, Public Advisor

ALSO PRESENT

Josh Simmons, Prosper Sustainably

APPEARANCESALSO PRESENT (cont'd)

Ena Lupine, California Strategic Growth Council

Hannah Arkin, Resolution Environmental

Chris Huntley, Aspen Environmental Group

PUBLIC COMMENT

Kate Unger, California Solar and Storage Association

Andy Schwartz, Tesla

Nick Papanastassiou, Energy Hub

Caleb Weis, Environment California

Claire Huang, Ava Community Energy

Dan Munsey, Chief, San Bernardino County Fire Protection
District

Brandy Wood, California Department of Fish and Wildlife

Benjamin Pratt, IBEW Local 477

Neal Desai, National Parks Conservation Association

Greg Hurner, SCI California Coalition

Monica Ronchetti

Scott Murtishaw, California Energy Storage Alliance

Laura Cunningham, Basin and Range Watch, and Western
Watersheds Project

Krystian Lahage, Mojave Desert Land Trust

Scott Miller, Western Power Trading Forum

APPEARANCESPUBLIC COMMENT (cont'd)

Joan Taylor, Sierra Club, California/Nevada Desert
Committee

Kevin Emmerich, Basin and Range Watch

Randy Banis, Friends of El Mirage

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P R O C E E D I N G S

10:03 a.m.

MONDAY, APRIL 27, 2026

(Whereupon an introduction video is played and not
transcribed.)

CHAIR HOCHSCHILD: Good morning and welcome,
friends. I'm David Hochschild, Chair of the California
Energy Commission. Today is April 27th. I call this
meeting to order. Joining me are Vice Chair Gunda,
Commissioner McAllister, and Commissioner Gallardo. We
have a quorum.

Let's begin by standing for the Pledge of
Allegiance.

(The Pledge of Allegiance is recited in unison.)

CHAIR HOCHSCHILD: Before we get underway, I just
wanted to congratulate Ryan Young, our Public Advisor, who
we just swore in, and welcome his family and friends.

Ryan, it's been wonderful working with you.
You're arriving in this role at a really critical time
where I think inclusion and equity, some of the things we
care the most about, have been under assault. And so your
office is really playing an important function for our
agency and our state. And so all of us want to say
congratulations again, and just would welcome any comments
you'd like to make.

1 MR. YOUNG: Thank you, Chair. And thank you for
2 administering the oath. I was surrounded by friends and
3 family. It was really special. In particular, my eight-
4 year-old nephew got to watch me take the oath and it was
5 pretty cool for him to see.

6 And I'm just really excited about the role and,
7 you know, the responsibility. I take it very seriously.
8 And so I want to thank the governor for entrusting me with
9 it and I'm excited for what's to come. Thank you.

10 CHAIR HOCHSCHILD: Thank you so much. And then,
11 yeah, and congratulations.

12 (Applause)

13 CHAIR HOCHSCHILD: One other person I'd like to
14 welcome to the mic is Spencer Reeder, who just joined the
15 Energy Commission as our new Director at the Fuels &
16 Transportation Division. He comes to us with some deep
17 experience in the zero-emission vehicle sector and just
18 would welcome you to share a little bit of your background
19 and introduction for everyone.

20 MR. REEDER: Thank you, Chair Hochschild, Deputy
21 Chair Gunda and Commissioners. Yeah, it's a real pleasure
22 to be here. I'm a week into the role, so definitely
23 drinking from the fire hose. I come most recently from the
24 automaker Audi, where I ran sustainability, developed the
25 first sustainability program for the brand in the U.S., and

1 also ran government affairs, a very unique fusion of roles
2 where I had both federal and all 50 state government
3 affairs responsibility for the brand.

4 And the reason I insisted on fusing these two
5 roles was because Audi, as many of you probably know, is
6 part of the Volkswagen Group, they had just come out of the
7 diesel scandal. I was hired in the aftermath of that to
8 try to elevate electrification and try to reorient the
9 company towards a more sustainable future. And to their
10 credit, they really leaned into that.

11 Fast forward seven years from when I started,
12 which was in 2018, and now we see the entire industry in
13 retreat, lots of turbulence, and a lot of confusion about
14 whether or not this transition to electric vehicles will be
15 disrupted or just paused. Fortunately, and the Chair and I
16 communicate pretty frequently about this, you look at data
17 in other markets, and it's quite strong. The evidence of
18 where we're heading is strong.

19 And the reason I came to the Commission and thank
20 all the leadership team for bringing me in, Executive
21 Officer Bohan and the whole team, it's just been a really
22 wonderful welcome, the determination on delivering on the
23 mission of the agency is quite strongly determined. And
24 I'll tell you, coming from the private sector back into the
25 public sector -- so I worked in Washington State at the

1 Department of Ecology. I was the Lead Climate Policy
2 Advisor under Governor Christine Gregoire, which was a few
3 years ago, but that's when we were really developing the
4 first cap-and-trade design with colleagues in California.
5 A lot of my former colleagues now are running agencies like
6 Dr. Steve Cliff at CARB. These are folks that I
7 collaborated with when I was up in Washington State. So
8 it's really an honor and a pleasure to be working with
9 those folks again in the public sector. I'm really
10 honored.

11 The only other thing I'll mention is I ran
12 philanthropy for Paul Allen, the co-founder of Microsoft,
13 for about five years up in Seattle, where he was really
14 committed to climate change, addressing those, the energy
15 issues, very keen on funding new innovative energy
16 activities and technologies. So I'm going to bring that
17 experience as well into this role.

18 And really just, I guess the last thought is, I
19 can't say how impressed I am, how incredibly impressed I am
20 with the quality and capabilities of the people in this
21 agency.

22 So thank you again. Thank you, Executive Officer
23 Bohan, for having the confidence in me to bring me in and
24 look forward to fighting the good fight with all of you.
25 Thank you.

1 CHAIR HOCHSCHILD: Thank you so much, Spencer.
2 Yeah, welcome. And I send congratulations, as well, from
3 Commissioner Skinner, who's on a really well-deserved trip
4 with her family.

5 And I'll just say, you know, I arrived myself at
6 the Energy Commission after five years in the private
7 sector in the solar industry, and I found that private
8 sector experience really helpful in informing our public
9 policymaking. I know you as well. And I just want to say
10 thank you and congratulations again to your predecessor,
11 Hannon Rasool, who ran the division really ably for five
12 and a half years and is now running the National
13 Transportation Electrification Program for NRDC and will be
14 continuing to work closely with us.

15 And you're arriving at a great time. The tire
16 efficiency standard is underway, and some other really
17 exciting stuff is moving. So great to have you and all
18 your talents and commitment joining the team.

19 So with that, we'll turn to item -- yeah, so,
20 yeah, please.

21 COMMISSIONER McAllister: Yeah, so really great
22 to meet you briefly and look forward to working together.
23 You know, Commissioner Skinner will be your primary
24 Commissioner because she's the lead on transportation. But
25 I wanted to just agree, like, the cross-section of

1 experiences across, you know, nonprofit, private sector,
2 government, industry is just -- I think many of us have it
3 and just find it, you know, getting hands-on projects
4 really helps inform what we do, keeps us grounded.

5 But there's a great article this morning in *The*
6 *New York Times* about the affordability, the fact that range
7 and price are not really correlated like they used to be
8 anymore, like in the current and future vehicles. You
9 know, you get 300 miles on it with a pretty affordable car
10 that's competitive with a normal -- you know, a Toyota
11 Corolla; right? So it's really pretty remarkable what's
12 happening. And it seems like California, again, is leading
13 the way in terms of just the private market engaging and
14 embracing where we need to go. And the subsidies maybe are
15 going to turn out not to be such a huge deal.

16 So, you know, fingers crossed, knock on wood and
17 all that, but really recommend everyone to read that
18 article because it's pretty eye-opening.

19 MR. REEDER: I realized I forgot to turn off the
20 mic, but I will respond to that really quickly. One thing
21 that we should all be aware of coming from the industry,
22 there's a bow wave of vehicles coming off lease --

23 COMMISSIONER McAllister: Yeah.

24 MR. REEDER: -- in the next 6 to 12 months. And
25 so the accessibility to these vehicles is going to really

1 expand exponentially. So our role in making sure the
2 infrastructure is in place, reliable, and functioning is
3 even more valuable now. Because of that, there's a lot of
4 people that are going to be able to get in these cars, as
5 you point out, Commissioner, for a fraction of the price of
6 the new vehicle. So it's actually a really exciting and
7 important time.

8 CHAIR HOCHSCHILD: Combined with the fact that
9 now we have almost twice as many public charging plugs in
10 California for electric vehicles as we have gasoline
11 nozzles, 216,000 EV charge plugs and 120,000 gasoline
12 nozzles, all because of the good work of the Energy
13 Commission and all the partners who are building out that
14 infrastructure. And we got to keep that momentum going.

15 Yeah, Vice Chair, did you want to say anything?
16 All right.

17 Okay, with that, let's turn to Item 2, Agency
18 Announcements. I did just want to thank our wonderful
19 tribal team, Sierra Graves and Davina Whitethorne and
20 everyone else, Kelsey and others who were involved in the
21 Tribal Summit on Energy, Enterprise and Workforce
22 Development that took place April 23rd and 24th.
23 Commissioner Gallardo and I were able to join that and
24 really, really successful. It was a great opportunity to
25 engage with all the tribes around building this partnership

1 and supporting tribal energy sovereignty, so thank you.

2 Any other announcements? Commissioner Gallardo,
3 please.

4 COMMISSIONER GALLARDO: Buenos días. Good
5 morning, everyone. Pleasure to be here with you. I wanted
6 to use my privilege real quick to say feliz cumpleaños,
7 happy birthday, to my partner, Emilio Camacho, who is
8 watching in this segment.

9 Also wanted to give saludos, greetings, to two
10 aunties, Tias, Gabby and Patty. (Speaking Spanish.) Just
11 wanted to thank them for watching today and also for
12 visiting us. I think we do a lot of great work in the
13 State of California, especially at the Energy Commission.
14 And a lot of times people don't understand what it is that
15 we do or how we do it. And so I've been trying to explain
16 that to my aunties. Anyway, just wanted to -- they're
17 watching so they get a better sense of what I actually do
18 for work.

19 Also wanted to acknowledge that here to support
20 our new Public Advisor, who just got sworn in, is a group
21 of people, really special. I wanted to point out folks who
22 have been part of our Disadvantaged Communities Advisory
23 Group, Chris, and also Julia out in the back. They are
24 also part of how the Energy Commission stays accountable to
25 communities throughout the state, especially those that are

1 living in disadvantaged areas. And so I wanted to
2 acknowledge all of the work that they have done and also
3 the support they have given us, including me as a former
4 public advisor and now Ryan and his team. So thank you for
5 being here and thank you for all you do.

6 All right, one more thing. Sorry. A lot to say
7 today. Also wanted to make an announcement about our Clean
8 Energy Hall of Fame Awards, another way that we acknowledge
9 all of the work being done throughout the state, not just
10 by the Energy Commission, but by folks in their local
11 communities contributing to a 100 percent clean energy
12 future that's done equitably and to ensure that we are
13 arriving to healthier outcomes and more opportunities for
14 prosperity for everyone. So we'd like you to save the
15 date. Our annual Clean Energy Hall of Fame Awards this
16 year will be December 10th and it will be here at the CNRA
17 in our auditorium.

18 Right now you have a good opportunity to submit
19 nominations. If you know anyone throughout the state who's
20 doing good work to contribute to 100 percent clean energy
21 future, whether they be part of a tribe, just in the local
22 community, we welcome those nominations. They're due June
23 1st. We also have one for lifetime achievement, if you
24 know of anyone retired who has done great work, and then
25 also youth, we have a Game Changer Award that we'd like to

1 promote because youth are who are going to make the big
2 difference for our next generation.

3 So please submit nominations. The information is
4 located on our website. We'll share the link in the chat
5 for the folks joining us by Zoom. Thank you so much.

6 CHAIR HOCHSCHILD: Commissioner McAllister.

7 COMMISSIONER McAllister: Yeah, just a couple
8 things. I wanted everyone to just save the date for the
9 June 10th Electrification Summit. So it will be the third
10 iteration, one day, June 10th, and it will be here in the
11 auditorium downstairs. So the first two iterations have
12 been great and just for everybody to get together in the
13 community and just compare notes and learn and begin to
14 accelerate. And I think it's having an impact, together
15 with the programs that we and other agencies and folks at
16 local governments are doing across the state. So June 10th
17 here, Building Electrification Summit, not uniquely about
18 buildings, but largely about buildings.

19 And then just related to that, I wanted to just
20 let everybody know and thank the team that the Equitable
21 Building Decarbonization Program is now rolling out. We
22 have, actually, I think I have ribbon cuttings on my
23 schedule now, so that's great. But the first projects are
24 in the pipeline, and the three regional administrators are
25 now running on the ground and really moving to get those

1 programs implemented. Wanted to thank Deana and Jen and
2 Diana Maneta and the whole team at the -- in RREDI
3 Division, because it has been a long road to get this
4 program stood up and running. We're still hoping to then
5 eventually get the federal funds from the Homes Program to
6 slot into that same program structure and really make a big
7 difference in meeting communities across the state.

8 So a really important program that needs to be.
9 The whole goal is to have a long-term program
10 infrastructure that can expand, you know, crossing
11 different segments and locales across the state over time.
12 Because we really do need this program to keep stimulating
13 the market over the next couple of decades, really, to get
14 our buildings retrofitted, you know, 10 million buildings
15 that need some form of financing or assistance to
16 decarbonize. And we don't meet our goals at mid-century
17 without that, so this program is really important, and high
18 expectations, but also just amazing staff working on it.
19 So really, really optimistic about making a big difference,
20 so thanks.

21 CHAIR HOCHSCHILD: Thank you. Let's do public
22 comment, and then we'll turn to the consent calendar.

23 MR. YOUNG: Anyone wishing to make public comment
24 on any of the non-voting items today?

25 MR. YOUNG: Do you want me to give the

1 instructions?

2 CHAIR HOCHSCHILD: Yeah, just check online.

3 MR. YOUNG: Yeah, we have no raised hand online,
4 Chair.

5 CHAIR HOCHSCHILD: Okay, with that, we'll turn to
6 Item 3, consent calendar. Any public comment on Item 3?

7 MR. YOUNG: The Commission now welcomes public
8 comment on Item 3. If you'd like to make a comment, please
9 use the raise-hand feature on Zoom or visit the Public
10 Advisor table on the back of the room and use the QR code.

11 Seeing none, Chair, back to you.

12 CHAIR HOCHSCHILD: All right, unless there's any
13 discussion, I'd welcome a motion from Commissioner Gallardo
14 on Item 3.

15 COMMISSIONER GALLARDO: I move to approve Item 3.

16 CHAIR HOCHSCHILD: Is there a second from
17 Commissioner McAllister?

18 COMMISSIONER McAllister: Second.

19 CHAIR HOCHSCHILD: All in favor, say aye.
20 Commissioner Gallardo?

21 COMMISSIONER GALLARDO: Aye.

22 CHAIR HOCHSCHILD: Commissioner McAllister?

23 COMMISSIONER McAllister: Aye.

24 CHAIR HOCHSCHILD: Vice Chair Gunda?

25 VICE CHAIR GUNDA: (Off mic.) Aye.

1 CHAIR HOCHSCHILD: And I vote aye as well. Item
2 3 passes four-zero.

3 We'll turn now to Item 4, information item, the
4 California Tribal Gap Analysis Report. I welcome Sierra
5 Graves to present.

6 MS. GRAVES: Good morning, Chair, Vice Chair, and
7 Commissioners, and thank you for the opportunity to bring
8 the California Tribal Gap Analysis Report before you today.
9 This analysis represents a data-driven effort to better
10 understand what California Native American tribes need from
11 the state and how we as state partners can more effectively
12 support tribal priorities. At its core, this work is about
13 advancing tribal energy sovereignty, strengthening climate
14 resilience, and ensuring that our programs and policies are
15 responsive, accessible, and aligned with tribal needs.

16 This report reflects a sustained collaborative
17 effort over several years, and I want to acknowledge the
18 foundational work of my predecessors, Tom Gates and Katrina
19 Lenny Koenig (phonetic), whose leadership helped bring this
20 effort to where it is today.

21 I also want to thank the Strategic Growth Council
22 for their partnership and interagency collaboration
23 throughout this joint commissioned report under Ena's
24 leadership. Ena is here with us today, and we appreciate
25 her continued partnership in this work.

1 Now, with the findings and gaps clearly
2 identified, we are entering the most important phase,
3 implementation. We're eager to build on this momentum and
4 would greatly value your guidance on how to best move this
5 work forward. We are supported by four assistant tribal
6 liaisons, Aleecia from the Efficiency Division, Quinby
7 (phonetic) from the Energy Assessments Division, and Sean
8 Anayah from the Energy Research and Development Division,
9 who are ready to help coordinate a broader cross-agency
10 effort in close partnership with the Strategic Growth
11 Council and other state agencies, most importantly the
12 California Native American tribes we serve. We welcome
13 your direction on how you would like to see implementation
14 proceed.

15 And with that, I'll now turn it over to Josh
16 Simmons to walk through the California Tribal Gap Analysis,
17 and I'll remain available for questions following the
18 presentation.

19 MR. SIMMONS: Good morning, Commission. Thank
20 you for having me here today. It's good to see you again.
21 It was great seeing you up a little northwest of Cache
22 Creek for the Tribal Enterprise Summits, and I just
23 appreciate all the support the Commission has been
24 providing for the efforts of the Tribal Energy and Climate
25 Collaborative, serving the 26-member tribes of the Southern

1 California Tribal Chairman's Association and some of the
2 projects we have working with them, the CEC-funded EV
3 Infrastructure Planning and Workforce Development Grant,
4 and hopefully I'll see some of you out for Rincon's LDS
5 ribbon-cutting, hopefully just in a month or two.

6 So next slide, please.

7 So I'm Josh Simmons, President and Founder of
8 Prosper Sustainably, which is my primary role in this
9 project as the lead contractor, and also co-director of the
10 Tribal Energy and Climate Collaborative. And I just want
11 to acknowledge that tribes really are and have been leading
12 the space in terms of energy and climate. And really, this
13 report is allowing them to continue and strengthen that
14 leadership position while simultaneously supporting the
15 state in meeting its clean energy and climate change goals.

16 Next slide, please.

17 So the gap analysis report was, as Sierra
18 mentioned, was co-commissioned by the Strategic Growth
19 Council and California Energy Commission, funded by CEC's
20 ARRA funding, which was also the same funding for the
21 Tribal Government Challenge Grants. The scope focused on
22 analyzing the needs and gaps that tribes faced relating to
23 clean energy and climate change, and it covered all
24 California tribes, regardless of federal recognition status
25 or land holdings.

1 Next slide, please.

2 The overarching goals were to identify tribes'
3 priorities, needs, and barriers in the realms of energy and
4 climate adaptation and resilience, to provide
5 recommendations and inform state assistance programs,
6 meaning funding, grants, technical assistance, training,
7 workforce development, to address the needs identified by
8 the tribes, and to advance collaboration and build
9 relationships between tribes across the state and state
10 agencies.

11 Next slide, please.

12 The overarching research question for the
13 analysis, two questions were, what assistance gaps do
14 California tribes face in advancing their goals and meeting
15 their climate and energy-related needs, and how can the
16 state address those assistance gaps?

17 So, there was primary research, which was the 37-
18 question questionnaire that was issued to the tribes that
19 many participated in. That was the primary source of
20 information for the analysis. And then secondary research,
21 including analysis of external assistance programs,
22 including their access, availability, and awareness among
23 tribes of those programs. And on both sides of that, that
24 funneled into identifying the assistance gaps and
25 addressing the tribally identified needs and priorities.

1 Next slide, please.

2 So as I mentioned, Prosper Sustainably led the
3 effort on behalf of the state. We partnered with a variety
4 of groups on this, including G.C. Green and Liz Perez, who
5 you all saw up last Friday, SCG Consulting and Shasta Ghan
6 (phonetic), who is also Paula's tipo (phonetic) and
7 Environmental Director for Energy in the UCLA Luskin
8 Center, and then, of course, our state partners, Strategic
9 Growth Council and California Energy Commission.

10 Next slide, please.

11 So at the time, 181 tribes were identified and
12 invited to participate. Representatives from 76 of those
13 tribes did participate in the study, 57 federally
14 recognized and 19 non-federally recognized tribes. Among
15 those, 64 had land holdings at the time and 12 did not.
16 With the survey, we invited tribes to have whoever they
17 wanted to participate. It was a single questionnaire per
18 tribe. In some cases, it was one person. In other cases,
19 it was a handful of people. And some of the roles and
20 titles for the leaders and staff and others are captured on
21 that slide, range mostly in those that were focused on
22 energy and climate-related matters.

23 Next slide, please.

24 So the report itself is 550 pages. I advise
25 against trying to read it all in one sitting. Perhaps

1 start with the 13-page Executive Summary. The actual main
2 body of the report captured by the headers on screen here
3 are actually only about 100 pages. And the recommendations
4 and conclusions, which I think are going to be what's
5 carried forward, are 33 pages. So I would advise focusing
6 on those. And certainly, that's where we're focusing our
7 time and attention in trying to move into implementation
8 phase.

9 Next slide, please.

10 So, just so they're up on the screen and you have
11 the slides, there's a variety of appendices that provide
12 context and background, and also the results of the study.

13 Next slide, please.

14 And going all the way down to a variety of
15 secondary sources for the project.

16 Next slide, please.

17 So, ultimately, this culminated into
18 recommendations that were broken up into three different
19 categories. And I'll cover those one by one in a little
20 more detail.

21 Next slide, please.

22 So the first category was improving the state's
23 engagement and outreach and communication of tribes. And
24 there were seven recommendations. This is just a
25 paraphrased list of them. Each recommendation could be,

1 you know, as short as a paragraph. Some are as long as a
2 page long. But there are some as straightforward and
3 perhaps potentially easier to tackle as increasing tribes
4 knowledge and awareness of assistance programs and others
5 that are going to require a little more willpower, such as
6 focusing on centralizing, streamlining, and sustaining
7 interagency communications engagement on these assistance
8 opportunities for tribes.

9 Next slide, please.

10 The second category of recommendations focuses on
11 improving tribal access and utilization of existing state
12 assistance programs. And again, seven different
13 recommendations here, some which have a series of sub-
14 recommendations, including removing -- or sorry,
15 simplifying, streamlining, and coordinating grant
16 solicitations and reducing and simplifying grant management
17 requirements. Again, many of these have many more details
18 behind them.

19 Next slide.

20 And then the final third category is for the
21 state to dedicate greater investments to create and
22 expanding tribal clean energy and climate change assistance
23 programs, generally focused on funding needs, technical
24 assistance, and capacity building. This includes the state
25 providing more flexible, recurring, and phased funding,

1 covering all phases of project from planning to pre-
2 development through implementation to, also, some broader
3 and I think more transformative ideas, such as establishing
4 tribal serving regional energy and climate hubs and
5 creating a centralized inventory and pipeline of fundable
6 energy and climate projects so that when tribes submit
7 applications and apply, that those applications, those
8 proposals remain and are available, not just for the CEC,
9 but agencies to fund, and perhaps even philanthropic
10 dollars to fund those types of projects that they can
11 continue to be refined and hopefully eventually find a
12 funding source to move forward.

13 Next slide, please.

14 So we are, as I mentioned, now trying to move
15 into the implementation phase of this project. So we've
16 been gathering input from the tribes on -- to help us
17 prioritize the gap analysis recommendations. The next key
18 step will be to recruit agencies and form an implementation
19 committee. We've been supporting that and doing
20 informational meetings with a variety of agencies. From
21 there, we want to work with the participating agencies on
22 developing an implementation plan that is informed by
23 tribes across the state.

24 Ultimately, we hope to hold quarterly meetings
25 with the tribes to report progress on implementing the gap

1 analysis recommendations while also sharing information on
2 state tools and funding opportunities. And then we would
3 like to hopefully come back to you and be reporting
4 progress on implementing this on an annual basis, as well
5 as to tribal leaders across the state.

6 Next slide, please.

7 And that's it. I really appreciate all the
8 support. This has been a long journey. You know, as
9 Sierra mentioned, you know, Tom Gates and Katrina really
10 have been instrumental to supporting this and getting this
11 up off the ground and really have so many great partners
12 and just I think a lot of enthusiasm among the tribes.
13 And, you know, hopefully we can show some real tangible
14 results from this effort.

15 Thank you.

16 CHAIR HOCHSCHILD: Thank you so much. And thank
17 you as well for your participation in our panel together
18 last week.

19 One just quick question for you. You mentioned
20 181 tribes. So I know we have 109 federally recognized.
21 Does that remaining 72 tribes, does that constitute the
22 totality of the Native American Heritage list?

23 MR. SIMMONS: That was, I think, we got that list
24 from the CDC at the time from the NAC list.

25 CHAIR HOCHSCHILD: Yeah.

1 MR. SIMMONS: So I think that's who, I think was
2 in 2021, was on the list. So I don't know the exact number
3 at this moment. But 19 of those, the non-federally
4 recognized tribes, participated at that time.

5 CHAIR HOCHSCHILD: Okay. Well, this is terrific.
6 I just want to say, I think it's super important that we
7 continue on our side to have a really robust interagency
8 coordination. Sometimes in the state, the right hand
9 doesn't know what the left hand is doing. So I really want
10 to thank you and Sierra and the rest of the team for trying
11 to advance that. And also, you know, SB 100 has played an
12 important role too as a convening power for a bunch of the
13 agencies in this.

14 Let's go to Commissioner comments. Vice Chair?

15 VICE CHAIR GUNDA: Yeah, I have a quick question,
16 just on the three categories of recommendations. The first
17 category of just improved engagement, would you just share
18 some thoughts on -- I will read the report slowly. Can you
19 discuss a little bit about what is the best way to ensure
20 that we are communicating but not overly pulling on the
21 resources that are not there? For a lot of tribal nations,
22 I think we hear that, which is -- so any comments on what's
23 the best way to continue to organize ourselves so that they
24 have awareness and we can really support the transition?

25 MR. SIMMONS: Yeah, it's a great question. And I

1 have to commend the Commission for just, you know, the
2 Tribal Advisors Office. Sierra has exemplified, I think,
3 how to work with and support tribes across the state. I
4 think it's, you know, primarily about, you know, being less
5 persistent and more consistent, being able to show up where
6 you have an office that has multiple staff members.

7 There's some continuity there. And, you know,
8 understanding, like you said, that there's -- it really
9 takes two sides. It's like you can have all the greatest
10 support in the world that's all on point, but if you
11 don't -- if a tribe does not have the people there to
12 actually receive the assistance and work with you, then
13 it's not going to go anywhere.

14 So continuing to show up, continuing to be
15 patient, continuing to offer that, meet them where they're
16 at, and also, you know, trying to bring value to them.
17 Every time, every interaction with them, you know, if it's
18 a listening session, try to come to a listening session
19 with what you've heard so far so you're not starting from
20 scratch. But, also, what are some relevant assistance
21 opportunities available to them right now and how can you
22 help them take advantage of those opportunities?

23 So, you know, try to treat every interaction with
24 them as like this helps them maybe somewhat move in the
25 right direction. And that kind of builds the trusted

1 relationship that you need to be able to -- you know, for
2 tribal communities to trust various state agencies and
3 being able to come to them and feel like, oh, this is worth
4 my while, worth my time. They're actually focused on our
5 interests and advancing those.

6 But great question. I think as long as you're
7 continuing to focus on that question, you'll be making
8 progress.

9 VICE CHAIR GUNDA: Yeah. Thank you, Josh and
10 Sierra, for the presentation. Appreciate your recognition
11 of Tom Gates, Katrina, and all the work that they have done
12 in bringing this together.

13 I want to uplift both Commissioner Gallardo and
14 Chair on just the continued effort at leadership level to
15 continue to build the trust that is necessary in these
16 kinds of relationships. I want to recognize that many of
17 the, you know, historically, you know, underrepresented
18 programs, whether it's tribal nations, certain
19 environmental justice groups, so much of the ability to
20 bring them to the table, Josh, to your point, is really
21 about trust. And that takes a lot of time. That takes a
22 lot of persistence and heart and kindness on both sides.

23 So I just want to appreciate, you know, the
24 Commissioners that bring that and, you know, Sierra that
25 you bring it to the table every single day. And I think

1 this is the moment when things are uncertain or when things
2 are emerging, it's really important for us to lead with
3 clear values and clear vision.

4 And I think I appreciate and am proud to be a
5 part of this broader team on how we bring those values to
6 the table and also really recognize that, you know, one of
7 the things that I've learned over the last eight years
8 working at the Energy Commission, which I didn't really
9 appreciate, is the sovereignty of the tribal nations and
10 the importance to, you know, be able to partner with them
11 in a respectful way that actually meets their needs. And I
12 think, Sierra, you're such a good ambassador in that work.

13 So I appreciate everybody. And thank you so much
14 for the work.

15 CHAIR HOCHSCHILD: Commissioner McAllister?

16 COMMISSIONER McAllister: I really want to
17 appreciate and uplift those comments just about trying to
18 find that balance. And, you know, we have a long history
19 in the rearview mirror that we're, you know, trying to kind
20 of ripe (phonetic) for, you know, in a timeframe that's not
21 that long. So I think it really is incumbent upon us to
22 find ways to listen.

23 And I want to just appreciate you, Sierra, and
24 all the different staff that are working on programs that
25 are trying to engage with the tribes in a way that really

1 does recognize them as equals and sovereigns, but also kind
2 of wrestle with the fact that there still is a resource
3 imbalance. And those two things kind of can run in
4 different directions if we're -- we have to kind of check
5 our institutional ego at the door, you know, and kind of
6 really meet them where they are. And I think that's a hard
7 thing to do. You know, that's not the way our institutions
8 are built often.

9 So I really think we're doing a good job. And
10 most recently, I uplift the RREDI Team, Diana Maneta and
11 the whole team that's developing the tribal guidelines for
12 the EBD program, the Equitable Building Decarb Program.
13 And I think just a lot of effort to get that engagement.
14 Sometimes I feel a little bad that, you know, some of the
15 tribes don't have the resources to, even a Zoom meeting, to
16 show up and everything. And so we end up sort of -- it
17 feels like we're sort of ganging up on the one, you know,
18 the several people who do show up, you know, and it's like,
19 okay, well, how do we manage that? So I really appreciate
20 the work. And I will also, you know, dig deeper into the
21 report.

22 I think I had a question about resources. I
23 think, if I remember, this project was funded by recycled
24 ARRA funds from the Obama administration. And we started
25 the local government challenge with some of those reflow,

1 and then we did the tribal challenge. And then when
2 Commissioner Douglas was here, we worked together to kind
3 of free up some money, working with Tom Gates and then
4 Katrina, to use those reflows, you know, those federal
5 reflows to fund this project, because it's something that
6 we and the tribes identified as something that was
7 really -- so that was what, like 2018 or something? I
8 mean, that was a long time, maybe 2019 or '20. I mean, it
9 all runs together a little bit.

10 But I wanted to just highlight that because that
11 was very intentional on our part to use those reflows for
12 ways -- in ways that really did fill gaps and in the policy
13 need and respect, kind of respond to our directive in the
14 legislature and kind of our own institutional, you know, SB
15 350 and try to really lean into that. And I think we've
16 been doing that ever since. We can always do better, but
17 it does -- you know, sometimes the federal funds are a
18 mixed blessing, but in that case, I think we were able to
19 find good use for those funds. And we still actually have
20 some of those funds coming in in smaller amounts.

21 But really glad that Commissioner Douglas, you
22 know, identified that need and we were able to follow
23 through with funding the effort. So I really appreciate
24 your coming to us with the result.

25 MR. SIMMONS: I'll just respond real quickly and

1 say that I think the seeds for this were probably planted,
2 I think it was in 2018 or 2019, at Pechanga for that joint
3 agency event with CPUC. So, you know, I think that's kind
4 of been a start of these efforts of, you know, we just saw
5 last week with -- at Cache Creek, you know, sustained
6 efforts from your agency, from the CPUC, from Strategic
7 Growth Council in trying to more consistently work with
8 tribes and develop programming specific to their needs. So
9 I just want to commend the Commission for that ongoing and
10 increasing effort.

11 CHAIR HOCHSCHILD: Great. Thank you.

12 Commissioner Gallardo?

13 COMMISSIONER GALLARDO: Yeah, I'm really excited
14 about this work. And I think how we've been emphasizing
15 over the years, we've gotten better at what we're doing and
16 just building up and expanding what we're doing with
17 tribes.

18 And so I also want to commend the folks that came
19 before me, before us, and also just appreciate how the
20 staff is also excited to do this work. And this, we call
21 them assistant tribal liaisons, where it's a structured
22 activity that we're doing here within the Energy Commission
23 to ensure that our staff are learning how to engage with
24 the tribes and they're excited to do this. And so that
25 makes it more institutional and enduring. And I think

1 that's going to make a big difference as we're moving
2 forward on this. So I also want to commend our assistant
3 tribal liaisons here who are led by Sierra for their impact
4 on what we're doing.

5 And I also want to acknowledge that we have great
6 partners at the state, including Strategic Growth Council.
7 And I think they've also been a role model for other
8 entities. So I appreciate that we've been able to work
9 with them. And we actually have someone here from
10 Strategic Growth Council who's a leader.

11 And Ena Lupine, would you like to make a comment
12 or remarks on Strategic Growth Council? I think they
13 received a briefing on this before us. And I think you all
14 are thinking of doing some work that we might be able to
15 also support or copy, however works out best. Go ahead,
16 Ena.

17 MS. LUPINE: Well, thank you so much,
18 Commissioner Gallardo. And good morning, Commissioners.
19 It's really an honor to be here. And, you know, I think
20 SGC has had a lot to learn also from the Energy Commission.
21 I really want to thank Sierra and Tom Gates, who we worked
22 with before on this project. You know, at the time, we
23 weren't doing as much around working with tribes. And I
24 think it's really helped lead the way for us to build out
25 our Tribal Capacity Building Program and a number of other

1 tribal initiatives. So I think it's really been the seeds
2 of a lot of work that we're doing now. And we've learned a
3 ton, I think, you know, through listening to tribes,
4 through working closely with Josh and with the great tribal
5 team here at the CEC.

6 So just really want to, you know, thank you all
7 for the opportunity to work on this. It's been one of the
8 highlights of my career, personally. And, you know, and I
9 want to say also that, you know, we're really excited about
10 this report. It's been a long time coming. And there were
11 76 tribes who engaged in this, which is a really big deal.
12 For folks who have done tribal engagement, like it's hard
13 to get folks to engage on things because they are stretched
14 so thin.

15 And so, you know, I think, you know, this report
16 has helped us also, as we developed our Tribal Capacity
17 Building Program, recognizing that there really is such a
18 need for tribes to have more staff capacity to be able to
19 engage in these efforts, to be able to move forward on
20 their climate and energy-related work, because they really
21 are leaders in this space. And I think, you know, being
22 able to fund their staff capacity enables them to do really
23 incredible things.

24 So we're really excited about this. And I think
25 the next step is kind of figuring out like what does

1 implementation look like? And so Josh, you know, talked
2 about that a little bit in his presentation. But, you
3 know, we're really dedicated and excited to be able to work
4 closely with the Energy Commission on kind of thinking
5 through what that looks like. And I'm just really looking
6 forward to the partnership and really appreciate the CEC's
7 leadership around supporting tribes in the energy space,
8 because I was also at the Summit on Friday, and it was
9 really inspiring. I came away from it really moved by a
10 lot of what the tribe shared and appreciated so much the
11 fact that, you know, they trust the state enough to come
12 and talk about their work and their ancestors and their
13 lives. And so I was really, really struck by that.

14 So just wanted to say thank you, share our
15 appreciation, and also share our excitement moving forward
16 about implementing this. We're ready to dedicate some
17 staff capacity to it. So, yeah, I look forward to any
18 direction that you all might have on that implementation
19 piece.

20 COMMISSIONER GALLARDO: Yeah.

21 MS. LUPINE: Thank you.

22 COMMISSIONER GALLARDO: Thank you, Ena. I think
23 that's also a good opportunity for us to think about, you
24 know, we've been doing planning, thinking about
25 implementation, and also accountability, I think, was

1 brought up earlier, and ensuring that the tribes are part
2 of all of that and that their priorities are also core to
3 each of those phases.

4 In terms of the implementation, you said
5 Strategic Growth Council is focused on that. Can you
6 describe a little bit more about how they're planning to do
7 that and if there's any overlap on, you know, maybe efforts
8 that we're doing or that we could do to ensure that that's
9 reinforced, or, you know, maybe we do that together? I'm
10 not sure.

11 MS. LUPINE: Yeah.

12 COMMISSIONER GALLARDO: Can you speak to that?

13 MS. LUPINE: I mean, I'll say we're still
14 figuring it out. And I think we've, in some ways, been
15 waiting for this opportunity to make -- you know, sort of
16 see how the CEC would like to move forward. I think if
17 there's interest, we'd love to kind of like co-implement
18 this work and develop a, you know, a state and interagency
19 committee that can really kind of work on moving forward
20 some of these pieces. I think looking at the
21 recommendations, they're all, you know, really incumbent on
22 the state to be able to shift, you know, our engagement
23 strategies, coordinate better between agencies, you know,
24 think about how we can make our funding opportunities more
25 flexible, things like that.

1 So, I think, you know, we want to -- you know,
2 reports like this, it's 550 pages, like it's -- nobody's
3 going to read it. I mean, I shouldn't say that, people
4 will read it, but I think what's really critical is like
5 bringing the people together and the champions within
6 agencies who are already working on tribal issues to really
7 coordinate.

8 So, you know, we don't have a lot of staff at
9 SGC, but I'm excited to engage in it. We have a new tribal
10 liaison as well. So I think we're still trying to figure
11 this piece out, but very, very open to any thoughts that
12 you all have on what that might look like. We've been sort
13 of thinking internally of having regular interagency work
14 groups with state staff, and then also having a regular,
15 maybe quarterly, public workshop or webinar where we can be
16 able to kind of share out to tribes our progress, as well
17 as also providing information about funding opportunities
18 that may be of interest and trying to make sure that
19 there's also, you know, as much value as possible in those
20 calls for tribes.

21 But again, I think we're really looking to you
22 all as well. If you have ideas about that, I think it
23 would be extremely, extremely helpful.

24 COMMISSIONER GALLARDO: All right, well, thank
25 you for that. And I would suggest that we, maybe after

1 you've had an opportunity to talk more about what that
2 implementation could look like, if we can get a report back
3 or, you know, come tell us the progress and then we can
4 engage further. Possibly it could be woven into the work
5 we're doing with our informational proceeding, as well, so
6 we can, you know, figure out what would be the best forum
7 venue, possibly a business meeting also. Great.

8 And then one last thing I wanted to mention on
9 the funding because it keeps coming up. I think we often
10 come up with these great ideas on how to work better and
11 partner better with the tribes, but then we don't fund that
12 activity. And sometimes it's not bad intentions, it's just
13 we didn't think about that; right? Like even AB 52
14 requiring consultation, great. And then that means they
15 have to do a lot more work and may not have staff or
16 necessarily the expertise for some of the agencies that,
17 you know, they're going to be working with.

18 And energy is so complex that that's one of the
19 areas where I think we need to think about more about how
20 we work with the legislature to ensure they understand what
21 resources are needed for when legislation goes through.
22 And also, you know, internally, we need to think about that
23 as well. But I think the bigger impact is at that level
24 with the legislature.

25 CHAIR HOCHSCHILD: Thank you. Vice Chair?

1 VICE CHAIR GUNDA: Yeah, just one thought. First
2 off, thank you so much for the comments. I think as I
3 think through the implementation, one of the pieces that,
4 you know, is emerging as an issue when you have so many
5 different agencies that are all trying to do the best they
6 can, but they have historically been operating in their own
7 domain, and this is such a crosscutting piece. I wanted to
8 emphasize that, you know, the implementation strategy would
9 be super helpful in desallowing (phonetic) and then helping
10 us have ability to move into a broader cohesive strategy.
11 So, really look forward to that.

12 And recently, I've been with colleagues from a
13 tribe from the Ecuadorian Amazon, specifically on the
14 upstream crude oil drilling. And one of the things I
15 heard, which was very profound, and I want to thank Senator
16 Becker for his work on it, was one of the tribal
17 representatives shared that, you know, that you cannot love
18 or defend something you do not know. And the first part of
19 doing right by anybody is just getting to know them. So I
20 really, really appreciate you guys trying to, you know,
21 work to get to know each other. Thanks.

22 CHAIR HOCHSCHILD: Thank you. Commissioner
23 McAllister?

24 COMMISSIONER McAllister: So a couple of points.
25 I think, say, with the Equitable Building Decarbonization

1 Program, you know, it's -- so we made a conscious decision
2 to carve out funds from the overall program. And, you
3 know, since the cadence of decision making and interaction
4 with tribes is so different than what kind of agencies are
5 used to and is kind of built into our processes, you know,
6 with deadlines and this many days and this docket and all
7 this, you know, it does -- you know, what we need to do is
8 be forced, you know, and make this -- keep it intentional,
9 right, to operate at those cadences and not sort of -- you
10 know, there's always an intent -- there's always a risk
11 that some -- if the funding doesn't get used by X date,
12 then it gets swept, you know? And we just can't be doing
13 that with tribes.

14 And so, I just want to hold that up as an
15 example. I think staff's done a really good job of
16 defining a, really, a parallel program structure that is
17 independent, right, that will not -- you know, to the best
18 of our ability at the agency; right? The legislature can
19 always do what they do, but I think that, you know, we
20 really need to keep the faith with the tribes that we're
21 going to have those funds available and we're going to
22 implement and we're going to really follow through. So
23 that, you know, the intent is absolutely there.

24 But I agree that we need to build some kind of a
25 cross-cutting policy infrastructure to ensure that that

1 happens across the board, almost like a state department at
2 the state level, you know? And so that takes resources and
3 money and professionals and a lot of knowledge; right? And
4 so, we're a big state. We ought to be able to do something
5 like that.

6 But I won't get ahead of it. I think
7 Commissioner Gallardo is absolutely right, that when you
8 all and when, you know, the public has had a chance to kind
9 of think about what implementation in practical terms
10 really should be looking like and how much, you know, how
11 much funding and what resources and all that it would need,
12 I would love to sort of provide, you know, be part of that
13 conversation.

14 And to Vice Chair Gunda's point, you know, I
15 always talk about like my experience in South America with
16 a lot of trepidation because it doesn't map, you know, to,
17 necessarily, to California. But I worked for many years in
18 Bolivia and other countries in India and South America with
19 Indigenous tribes. You know, Bolivia is a majority
20 Indigenous country. And, you know, there are dozens of
21 Indigenous languages and some of them don't even have any
22 relation to one another. I mean, it's quite remarkable.
23 And they're still alive. They're dwindling, but they're
24 still alive.

25 And so I was able to work with some Quechua

1 speakers, which really is a colonial language. We don't
2 think of Quechua as a colonial language, but it really is.
3 But the Aymara speakers down in the high Andes and in Peru,
4 and more in Bolivia, Northern Argentina, you know, they
5 have a robust, very deep, thousands of years of culture
6 that looks at the world in a completely different way than
7 we do.

8 And so I embedded with some of those communities,
9 you know, trying to figure out what they needed in terms of
10 energy, water pumping, clean water, you know? And the grid
11 was never going to come to them; right? I mean, they were
12 100 miles away from the grid and it wasn't going to happen
13 in any reasonable timeframe. And they knew that. And so,
14 you know, it was just incredibly -- it was one of the most
15 meaningful kind of periods of my life where I was able to
16 like just kind of get a view of what -- of how they see the
17 world. And it's so profoundly different than the Western
18 way of looking at progress that it was just incredibly
19 humbling.

20 And, you know, one version, I think, of kind of
21 what we're talking about here, all the tribes are different
22 in California even, right, and certainly across the
23 country. But, you know, probably most of them came across
24 the Bering Strait at some point, that was tens of thousands
25 of years ago. I mean, who knows; right? But I don't think

1 we exactly know. But I think as sort of really stepping
2 back epistemologically is what we have to do. We have to
3 continue to do that to understand how we can deploy
4 resources in a way that really does convey that respect.

5 So anyway, I know this sounds like a lecture, but
6 I learned so much. And I was like this impressionable 30-
7 something, you know? And I kind of take -- that humility
8 really did sort of -- it's not a nice to have, it's a must
9 have; right? And so anyway, I want to, you know, as a
10 privileged, you know, White male American, you know, again,
11 I say this with trepidation because I think we need to
12 always open up room for voices other than ours.

13 But I want to just sort of manifest that, you
14 know, just my support for this work. And I think as a
15 Commission, to a person, we're all, you know, I think
16 trying to be generous and trying to really engage and sort
17 of step back and let others have voices that matter.

18 So anyway, thanks again for the report and all
19 the hard work, I mean, many years coming and really
20 appreciate it. So, you know, looking forward to what comes
21 next.

22 CHAIR HOCHSCHILD: Thank you, Commissioner
23 McAllister, and everyone for those comments.

24 Just to close us out, I'll just say, I think the
25 governor's apology to the tribes, which was in June of his

1 first year in office, was one of the most significant
2 actions he's taken. And nothing, as we've said publicly
3 many times, can ever make up for the loss of lives and land
4 and language that's happened to tribes here in California.
5 But I absolutely believe with all my heart that leaning in
6 together, you know, we can move, collectively, the ball,
7 you know, in the right direction.

8 And I want to highlight, it's also now three
9 years since our Tribal Energy Sovereignty Resolution,
10 really one of the highlights of my tenure in public service
11 with all of you. And we've now voted to approve \$165
12 million for tribal energy sovereignty projects in
13 California. And that's, you know, tribal energy
14 microgrids, it's EV charging. And now with this heat pump
15 money, which is formula money, it's going to go to every
16 single tribe, so every single tribe will get it. And I do
17 want to lift up, as well, this was the largest waiver of
18 sovereign immunity, right, here in this last EBD Program
19 that's ever happened.

20 And then I also just really wanted to thank you,
21 Sierra and Davina Whitethorne, for, and Kelsey, for this
22 incredible project. We're in the middle of doing 11 tribal
23 consultations around the state. I think we've done six now
24 or seven now. Okay, a ton of work going into those and we
25 just go in and listen and engage. And it's a lot of work

1 to put those together, but really incredibly important, so
2 thank you. And thank you all. Look forward to continuing
3 to work together.

4 Unless there's anything else, we'll turn now to
5 Item 5, the Demand Side Grid Support Program, and welcome
6 Ashley Emery to present.

7 MS. EMERY: Good morning, Chair, Vice Chair and
8 Commissioners. My name is Ashley Emery, and I'm the Branch
9 Manager of the Reliability Reserve Incentives Branch within
10 the Reliability, Renewable Energy, and Decarbonization
11 Incentives, or RREDI, Division here at the CEC. With me is
12 Deana Carrillo, Director of the RREDI Division, to help
13 respond to any questions.

14 So today we are proposing modified guidelines for
15 the Demand Side Grid Support Program, also known by the
16 acronym DSGS, for your consideration for approval.

17 Next slide, please.

18 So the effects of climate change, including
19 extreme heat, drought, and wildfires, coupled by supply
20 chain delays, have challenged the state's ability to plan
21 and maintain grid reliability. So as part of the Budget
22 Act of 2022, the legislature and governor created a
23 strategic reliability reserve that includes three programs.
24 The first program that you see on this slide is
25 administered by the Department of Water Resources, and the

1 Distributed Electricity Backup Assets, or DEBA, and Demand
2 Side Grid Support Programs are administered by the CEC.
3 Together, these programs provide incremental electricity
4 supply and load reduction to support the state's grid
5 reliability.

6 As California transitions to 100 percent clean
7 energy, together the DSGS and DEBA Programs are designed to
8 provide incremental clean resources in support of the
9 Strategic Reliability Reserve without interfering with
10 resource adequacy, and to test new concepts to help scale
11 demand flexibility.

12 Next slide, please.

13 So the DSGS Program serves as one of the state's
14 tools in responding to unplanned extreme events taxing
15 California's electrical grid. As established by AB 205,
16 the DSGS Program seeks to achieve the following goals:
17 support grid reliability by enhancing load capacity during
18 extreme events; and prioritize the dispatch of clean
19 resources in times of need. These goals benefit
20 Californians by supporting the reliability of our
21 electrical grid, providing electricity to all Californians,
22 including our most vulnerable.

23 Next slide, please.

24 Before discussing the proposed guideline
25 modifications, I'll provide a brief overview of the program

1 and its performance in 2025.

2 The DSGS Program currently has four options.

3 Option 1, the emergency dispatch option, is
4 available to non-residential customers for any load
5 reduction resource and is triggered by energy emergency
6 alerts, or EEAs.

7 Under Option 2 for market integrated demand
8 response, proxy demand resources, or PDRs for short, bid
9 into the California Independent System Operator, or CAISO,
10 market. Payment is based on the PDR's demonstrated
11 capacity that is incremental to resource adequacy
12 commitments.

13 Option 3 is a market aware storage virtual power
14 plant, or VPP, consisting of behind-the-meter customer
15 batteries and bidirectional EVs. The storage VPP is
16 dispatched when CAISO day-ahead energy market prices exceed
17 a specified price threshold or when an EEA is issued, but
18 do not actually bid into the market. And compensation
19 depends on the VPP's demonstrated capacity in each month.

20 Then finally, we have Option 4, an emergency load
21 flexibility VPP pilot. Eligible resources include smart
22 thermostats, heat pump, water heaters, and other load
23 flexibility devices. This option provides a capacity
24 payment and is intended for customers that are not able or
25 willing to participate in a resource adequacy qualified

1 demand response program, but may be willing to have their
2 devices dispatched during an occasional grid emergency.

3 Next slide, please.

4 And so the DSGS Program has seen significant
5 growth over the past few years, particularly from clean
6 resources. And in 2025, the program more than doubled in
7 size compared to 2024 with over 448,000 participants and
8 over one gigawatt of capacity enrolled based on provider
9 estimates, with clean resources constituting over 80
10 percent of the megawatts enrolled.

11 Next slide, please.

12 In terms of performance compared to last year, as
13 you can see on this chart, the Option 3 two-hour
14 residential VPP incremental monthly capacities increased
15 exponentially in 2025 compared to 2024 in every month. The
16 October monthly average incremental capacity increased from
17 92 megawatts in 2024 to 453 megawatts in 2025 for the two-
18 hour residential resources. And the overall Option 3 VPP
19 incremental capacity that includes non-residential and
20 longer duration storage increased from 106 megawatts in
21 October 2024 to 484 megawatts in October 2025.

22 Next slide, please.

23 So last year was the first season with Option 4
24 load flexibility VPP. There were no EEAs issued, so the
25 CEC called two test events consistent with program

1 guidelines. So we had one for each of those tested events,
2 the Option 4 weather-adjusted demonstrated capacity, as
3 shown in the graph with the blue bars, exceeded the
4 nominated capacity commitment, which is shown by the green
5 line. So the adjusted demonstrated capacity reached 21.7
6 megawatts at the July test event and 18.8 megawatts during
7 the September test event.

8 Next slide, please.

9 With the adoption of the 2025-26 budget, the DSGS
10 Program's cumulative appropriations total \$109.5 million.
11 Of this amount, staff estimates approximately \$33.4 million
12 will remain after subtracting all expenditures through the
13 2025 program season. With the current program guidelines,
14 they established that compensation is paid out on a first-
15 come, first-served basis. However, with the limited
16 funding that remains, staff determined that the program
17 would not be able to support participation levels across
18 all options at the 2025 level or greater and still have
19 sufficient funds for the 2026 program season.

20 Next slide, please.

21 Given the program's overall budget, staff limited
22 the proposed guidelines to those considered to be essential
23 modifications to provide clarity on program requirements,
24 incorporate lessons learned, and align with the program's
25 goals and available funding level.

1 Next slide, please.

2 The proposed guidelines include funding limits
3 and certain participation restrictions for the 2026 program
4 year to align with the remaining program budget and to give
5 participants more visibility into the amount of available
6 funding. If DSGS receives additional funding, as is
7 proposed by pending trailer bill language, that will enable
8 DSGS to use previously appropriated funds to the DEBA
9 Program. The guidelines propose increased allocations
10 based on staff's estimate of potentially available DEBA
11 funds. Depending on the outcome of the current budget
12 process, the CEC may revise the limits and restrictions as
13 appropriate.

14 So this slide represents the amount of funding
15 and the associated megawatts that may be available to each
16 participation option as of today and then if the trailer
17 bill language is approved. I want to note that the
18 guidelines propose suspending Option 1 for the 2026 program
19 season. Option 1 is dependent on EEAs and has the least
20 certainty in terms of the load reduction that's expected
21 during an event and the associated compensation amounts.
22 Additionally, backup generator emission mitigation costs is
23 very costly. So staff determined that suspending Option 1
24 provides greater budget certainty for the 2026 program
25 season.

1 In addition to help mitigate the program's finite
2 resources this year, given the exponential growth of Option
3 3 and the long-term policy goal to grow emergency load flex
4 resources, such as in Option 4, the proposed guidelines
5 encourage growth and new entrants in Option 4 up to a limit
6 and limit Option 3 providers those -- to those that
7 participated last year based on their measured demonstrated
8 capacity, with the exception of EVSCs.

9 Next slide, please.

10 The proposed guidelines also make some
11 modifications to Option 3 to address lessons learned and
12 align with the program goals and requirements. So, for
13 example, the proposed guidelines switch from a prescriptive
14 baseline to a measured baseline as the basis of determining
15 compensation for aggregators to more accurately align the
16 compensation earned with the incremental contribution to
17 reliability.

18 The proposed guidelines also would require test
19 events on three consecutive days in August to help test and
20 demonstrate the VPP's suitability for situations where
21 stress on the grid is prolonged across multiple days, such
22 as a heat wave.

23 To help streamline the program and reduce
24 administrative costs, the guidelines also propose updating
25 the minimum aggregation sizes.

1 Additionally, to help mitigate potential system
2 impacts associated with dispatches of large aggregations,
3 the guidelines provide that the CEC, in consultation with
4 CAISO, will work with storage VPP aggregators with large
5 aggregations to develop and implement technical solutions
6 and may require these aggregators to conduct test events
7 for the PG&E service territory aggregations and Southern
8 California service territory aggregations on different
9 days.

10 Moreover, in support of a CAISO staff's draft
11 proposal that incorporates a pathway for exports of behind-
12 the-meter distributed energy resources, such as the Option
13 3 storage VPP, to be monetized in energy markets, the
14 guidelines would allow staff to explore with CAISO a
15 potential path for market integration of some of Option 3
16 resources to help provide the operational experience and
17 data for consideration by other agencies in assessing
18 whether or how behind-the-meter storage resources could be
19 incorporated in their reliability planning and operational
20 frameworks.

21 Next slide, please.

22 The proposed guidelines also include
23 modifications to Option 4 to incorporate some lessons
24 learned. So similar to Option 3, to help reduce
25 administrative costs, the guidelines update the minimum

1 aggregation sizes. And then the proposed guidelines also
2 include a process for submitting proposals to qualify other
3 load flexibility resources in Option 4 and add clarifying
4 language and clear definitions related to the performance
5 measurement calculations.

6 Next slide, please.

7 So this year, we've been working closely with the
8 public to determine how best to incorporate the lessons
9 learned and adapt to the program's limited funding
10 remaining. And I'd really like to thank everyone for their
11 contributed engagement and partnership in developing these
12 guidelines.

13 So the guidelines are based on public feedback
14 from two workshops and a public comment period on draft
15 proposed guidelines. If the Energy Commission approves the
16 guidelines, staff will immediately launch Phase 5 of the
17 program's implementation for the 2026 program season with
18 the program season starting on May 1st.

19 Next slide, please.

20 So staff recommends the Energy Commission adopt
21 the fifth edition of the Demand Side Grid Support Program
22 guidelines and adopt staff's recommendation that adoption
23 of these guidelines is exempt from CEQA.

24 This concludes staff's presentation. And my
25 colleagues and I are available to answer any questions you

1 may have.

2 CHAIR HOCHSCHILD: Thank you so much. Let's go
3 to public comment for Item 5.

4 MR. YOUNG: Thank you. The Commission now
5 welcomes public comment on Item 5. Use the raise-hand
6 feature on Zoom if you'd like to make a comment. I see a
7 couple online. Not seeing anyone in the room, but if you
8 are and you would like to make a comment, please approach
9 the podium.

10 We'll start with CALSSA. I'm going to unmute
11 your line. Please unmute on your end. We welcome your
12 comments.

13 MS. UNGER: Yes. Hi. Thank you. This is Kate
14 Unger, K-A-T-E U-N-G-E-R, with the California Solar and
15 Storage Association. Thank you very much for allowing us
16 to comment. I'm very happy to support approval of the
17 modified guidelines.

18 As an association of distributed solar and
19 storage businesses in California, CALSSA has focused mostly
20 on Option 3, which is the behind-the-meter battery virtual
21 power plant. CALSSA members represent a majority of the
22 capacity enrolled in Option 3, which avoids the main
23 obstacles that have discouraged behind-the-meter batteries
24 from participating in market integrated programs. It's
25 been a smart and innovative program. It's allowed customer

1 batteries to come off the sidelines and be part of our grid
2 reliability solution.

3 As strong believers in flexible demand and
4 dynamically matching demand and supply, even though we
5 primarily focus on battery storage, we also support Options
6 2 and 4 to engage load flexibility fleets. And looking at
7 the dramatic growth of DSGS from 2023 to 2025, it really
8 shows its potential.

9 We regret that the funding limitations require
10 the program to work within a smaller budget in 2026 instead
11 of continuing that growth, and we'd like to see additional
12 funding allocated so the program can continue past 2026,
13 given the fact that it's an important element of our energy
14 system. And though we are actively involved in efforts to
15 reform rules for resource adequacy and the wholesale energy
16 market, that's a multi-year effort, and DSGS is a crucial
17 way to engage these customer-sided resources in the short
18 term.

19 So I'd like to emphasize how much we've
20 appreciated the DSGS Team's collaborative spirit and
21 professionalism and dedication to make the program work,
22 and we applaud and thank the CEC for continuing to support
23 this program and to work with industry to make it as
24 successful as possible in 2026 and hopefully beyond.

25 Thank you so much.

1 MR. YOUNG: Thank you for your comments.

2 We're next going to recognize Andy Schwartz, and
3 then Nick Papanastassiou.

4 Andy, I'm going to unmute your line, unmute on
5 your end, and we welcome your comments.

6 MR. SCHWARTZ: Good morning. Can you hear me
7 okay?

8 MR. YOUNG: Yes, we can.

9 MR. SCHWARTZ: Great. Well, good morning, Chair
10 Hochschild, Vice Chair Gunda and Commissioners. Andy
11 Schwartz speaking on behalf of Tesla.

12 I'd like to take this opportunity to express our
13 gratitude to the CEC and the CEC staff for your leadership
14 in establishing the DSGS Program. It's easy to forget the
15 genesis of this program, which was a direct response to the
16 resource challenges that the state faced in 2020 due to a
17 region-wide heat wave that pushed the system to its
18 breaking point.

19 In the wake of this event and prior to the
20 establishment of DSGS, Tesla literally received calls from
21 the administration asking us to reach out to our customers
22 to ask if they voluntarily discharged their batteries
23 during anticipated peak hours to help alleviate stress on
24 the grid and mitigate the risk of rolling blackouts. To
25 our customers' credit, many did respond, but needless to

1 say, this is not the most effective way to mobilize the
2 extensive capacity that's now embodied in the tens of
3 thousands of customer-side battery systems deployed across
4 the state in response to a grid emergency.

5 With the implementation of DSGS, the CEC
6 successfully answered the call to establish a statewide
7 program that demonstrates the power of a well-designed
8 program to tap into this capacity to respond to grid
9 emergencies. Given the increasing volatility of
10 environmental conditions, coupled with anticipated load
11 growth in the state, we continue to believe that DSGS
12 remains incredibly relevant and valuable.

13 It is deeply unfortunate that the state appears
14 to be on the cusp of allowing the DSGS Program to end after
15 this year, given its success, and in the face of conditions
16 that appear ripe to drive the type of resource shortages
17 that motivated the creation of the DSGS Program in the
18 first place. From Tesla's vantage point, this is the
19 energy system equivalent of someone tearing up their car
20 insurance policy because they didn't get into an accident
21 the prior year. We certainly hope that every effort will
22 be made to provide additional funding to this program and
23 to extend it beyond 2026 to ensure that the state can
24 continue to access this statewide capacity resource should
25 the need arise.

1 Regardless of what happens post-2026, we very
2 much look forward to being active participants in DSGS this
3 year and again express our deep gratitude to the CEC
4 leadership and staff for establishing and continuing to
5 refine this program, inclusive of the changes reflected in
6 the updated program guidelines before you today.

7 Thank you so much for your time this morning.

8 MR. YOUNG: Thank you.

9 Nick P., followed by Caleb Weiss, excuse me,
10 Caleb Weiss.

11 Nick, I'm going to unmute your line. Please
12 unmute on your end, and we welcome your comments. Nick,
13 can you unmute on your end?

14 MR. PAPANASTASSIOU: Yeah, sorry about that. Can
15 you hear me now?

16 MR. YOUNG: I can hear you. Thank you.

17 MR. PAPANASTASSIOU: Perfect. Good morning.
18 This is Nick Papanastassiou with Energy Hub.

19 Yeah, I just wanted to make some quick comments
20 in support of the proposed DSGS guidelines, specifically in
21 support of approving the guidelines for Option 4. We
22 really appreciate the CEC's ongoing efforts to promote
23 demand side participation pathways for a wide variety of
24 DERs, including smart thermostats and water heaters, and we
25 appreciate some of the thoughtful rule changes that are

1 implemented in these guidelines.

2 We also appreciate that these changes were made
3 in the context of a challenging and limited budget, but we
4 think the guidelines ultimately arrive at a reasonable and
5 equitable allocation methodology, and we are excited to
6 participate as an Option 4 provider again this year to
7 deliver flexibility that will support the reliability of
8 the California grid.

9 We did make written comments to this effect, but
10 I just want to verbally state our continued request that
11 PG&E customers do be allowed to participate in Option 4.
12 We think that prohibition is depriving the state of
13 megawatts of flexibility that would otherwise not be able
14 to participate this summer in any other option, RA
15 qualified or otherwise. And more generally, we'd also like
16 to see funding for DSGS as a whole extend beyond 2026,
17 given how valuable and successful a program it's been.

18 But overall, we are looking forward to
19 participating as an aggregator in Option 4 starting later
20 this week. So thanks again to the CEC team for all the
21 hard work, constructive conversations to get to this point.
22 We hope to see the guidelines approved.

23 Thank you very much.

24 MR. YOUNG: Thank you.

25 Caleb Weiss, followed by Claire Huang.

1 Caleb, I'm going to unmute your line. Please
2 unmute on your end, and we welcome your comment.

3 MR. WEIS: Good morning, Chair Hochschild and
4 members of the Commission. My name is Caleb Weiss, and I'm
5 the Clean Energy Associate with Environment California.

6 I briefly just want to voice Environment
7 California's support for an energy system that relies more
8 heavily on the millions of clean energy technologies that
9 are dispersed throughout our state and thank the Commission
10 for establishing the DSGS Program, which has been
11 remarkably successful in driving us towards that energy
12 system. I just want to highlight the explosive growth of
13 the DSGS Program over the past four years since being
14 established and highlight the ability for the program to
15 contribute capacity nearing the peak load of San Francisco,
16 in addition to the ability of the program to respond during
17 moments of very high prices and not only emergency load
18 response.

19 And so, yeah, I just want to really voice our
20 support for that. We obviously would love to see the
21 program continue beyond this program year to enable for the
22 further transition of these millions of distributed energy
23 resources into California's energy markets, which will take
24 a couple of years. And so, yeah, I just want to support
25 that and support the adoption of the guidelines, as well as

1 for continued funding of it.

2 Thanks so much.

3 MR. YOUNG: Thank you.

4 Finally, we have Claire Huang. Claire, I'm going
5 to unmute on your -- your line. Please unmute on your end,
6 and we welcome your comment. Hi Claire.

7 MS. HUANG: Oh, hello. Can you hear me?

8 MR. YOUNG: Yes, I can hear you.

9 MS. HUANG: Okay, great. Yes, good morning,
10 Chair Hochschild and the Commission. Claire Huang with Ava
11 Community Energy. Ava is a community choice aggregator
12 serving Alameda and San Joaquin counties, with service soon
13 expanding to unincorporated San Joaquin County.

14 We recently launched our solar and storage
15 program, Smart Home Battery, in March of this year,
16 actually, which is designed to participate in DSGS Option
17 3, which is the market aware storage VPP. Smart Home
18 Battery will spur new adoption of solar and battery storage
19 and help support California's grid during emergencies.

20 However, the way the DSGS Program guidelines are
21 currently proposed, participation in Option 3 is limited to
22 aggregators that participated in the 2025 program season,
23 regardless of whether additional funding is made available
24 through the budget process. This unreasonably bars Ava, as
25 well as other new solar and storage aggregators, from

1 participating in DSGS and severely limits our ability to
2 support the state's electrical grid during emergency events
3 through our new program.

4 So while Ava appreciates the CEC staff's efforts
5 in continuing the program despite budget challenges, and
6 understands the budget constraints that are currently in
7 place, Ava currently recommends that the Commission not
8 adopt the DSGS Program guidelines as written unless Option
9 3 is opened up to new participants. And this is
10 particularly if additional funding is made available
11 through the 2026-2027 budget process and as conversations
12 for ongoing funding beyond 2026 continue.

13 Thank you.

14 MR. YOUNG: Thank you.

15 Chair, that concludes public comment on this
16 item. Back to you.

17 CHAIR HOCHSCHILD: Okay. Well, I just wanted to
18 begin with my congratulations to Vice Chair Gunda for
19 leading the Energy Commission's work on this really
20 important program, and to all the talented staff, Deana,
21 Ashley, and everyone else who's been a part of this. This
22 has been an area we have been punching below our weight for
23 a long time in the state, and I'm just incredibly proud of
24 the success that we saw demonstrated, you know, over the
25 last few years with this, and as demonstrated through the

1 tests. So an incredibly important feature of our mosaic
2 here.

3 And with that, I'd open it up to Commissioner
4 discussions, starting with the Vice Chair.

5 VICE CHAIR GUNDA: Thank you. Thank you, Chair.
6 I just wanted to kind of follow up on one of the comments
7 from Ava Energy. My understanding was they could
8 participate, they have a pathway to participate, through
9 another aggregator?

10 MS. HUANG: Yeah. So Ava Energy itself could not
11 enroll as a new provider as the guidelines are in, but
12 their customers could participate through an existing
13 aggregator.

14 VICE CHAIR GUNDA: Thank you.

15 Chair, I just wanted to, you know, uplift, you
16 know, your thanks. And I think I cannot do a better job
17 than some of the comments and the testimonies of just how
18 incredible this team has been.

19 And I think I noticed that the guidelines
20 process, it's kind of technical, there's a lot of technical
21 details to this, but I just wanted to take a moment to
22 thank Deana Carrillo, the Director of the Division, Ashley,
23 Aloke Gupta, and, you know, one of the colleagues who since
24 left, Eric Klein, who was early on in, you know, supporting
25 the design of the DSGS process. I think this is not often

1 recognized, you know, we had a program, the money came
2 through, and we were in a crisis, and staff had to pull
3 through every hour they could find to stand this up.

4 And I think oftentimes, you know, especially when
5 we take public servants for granted, this is kind of one of
6 those moments I just really feel like a lot of these people
7 are not paid enough to do these jobs. They show up because
8 they're so motivated by the mission of the state and the
9 values of the state. So, I cannot, you know, over-
10 appreciate the RREDI Team and the incredible work that
11 they've done over the last three, four years. So just, you
12 know, to you, Ashley, to Deana, and everybody you represent
13 from the RREDI Team, and the broader collaboration within
14 the CEC, PUC, and CAISO, just an incredible thanks to you.

15 From our office, I just want to recognize Ching,
16 Ching Tang (phonetic), who's in the back there, who spends,
17 I don't know how many hours he does on these issues, and
18 being always available for stakeholder calls, calls across
19 the agency. So, Ching, thank you so much for the
20 incredible work.

21 To Chair Hochschild's comments early on, just
22 want to recognize in 2020, we had lights go off in
23 California on August 14th and 15th. That is the reality
24 from which CEC stepped up the game and worked really,
25 really hard, that does not happen again.

1 In September 2022, we were almost getting to a
2 load of 53,000 megawatts in the CAISO system. It was
3 approximately 8,000 megawatts of deviation from the
4 expected load in September in 2022. That was not feasible
5 without the incredible work of the Energy Commission and
6 many, many state partners in the governor's office. So I
7 think the enormity that the staff carried from that, that,
8 you know, the lights should not go off, and then they had
9 to kind of somehow figure out a way to keep the lights on,
10 really resulted in all the effort in DSGS.

11 One of the things that Deana's team is extremely
12 unique on is how much time they spend with stakeholders and
13 sister agencies. They just take every call they can to
14 work as collaboratively as they can. Even though these
15 guidelines could have been super controversial today, and I
16 recognize the last six months because I had briefings, they
17 landed at a place where most of the stakeholders are
18 appreciative of their efforts, and that's a testimony to
19 what they do.

20 I'm looking forward to supporting this. I
21 recognize that, you know, the state as a whole, you know,
22 has to kind of figure out what's the best way to support
23 the investments into demand response, but I could not be
24 more proud of this team and the work that they've done on
25 DSGS and the idea of sandbox that they've taken to test and

1 test different methods. You know, there were times when
2 the staff were happy, were in tears, ups and downs because
3 of, you know, the stress of keeping the grid, you know,
4 without the lights blinking, working within the constraints
5 of the money they had and within the time they had.

6 So just, you know, Deana, I just, you know,
7 wanted -- thank you to you. Thank you. I could not have
8 asked for somebody better, and looking forward to
9 supporting your continued work. Thanks.

10 CHAIR HOCHSCHILD: Let's give Deana a round of
11 applause. Thank you for no events.

12 (Applause)

13 CHAIR HOCHSCHILD: Commissioner McAllister?

14 COMMISSIONER McAllister: Thanks, Ashley. And
15 just, you know, absolutely, Deana, thank you and the whole
16 team. So really appreciate the presentation and the
17 briefing leading up to this. And while I'm not the lead
18 Commissioner, I pay very close attention to this. And I
19 really appreciate, just would second the leadership of Vice
20 Chair Gunda to really support staff in a way that helped
21 them lean in and do what needed to be done, really, in just
22 an unprecedented, compressed timeframe, right, originally.
23 And then just all the flexibility and all the listening,
24 all the sort of adaptation in the years since the program
25 got stood up, so I really appreciate that.

1 In the context of the 7,000-megawatt goal, this
2 program is super important to show how at least part of
3 that goal is going to be met. Ashley, you brought up the
4 CAISO and the sort of some of the technical issues around,
5 you know, when DSGS calls an aggregation to show up, it can
6 cause some balancing issues at the CAISO level. So I
7 really appreciate, you know, staff and CAISO leaning into
8 that to figure out how to smooth those issues out. And I
9 think the solutions that this program finds is going to
10 be -- they're going to be broadly relevant, not just to the
11 program, but just to the, you know, building the technical
12 solutions, you know, what do we need to put on the poles
13 and wires and controls and stuff at the system level, so
14 really look forward to the solutions that emerge there.

15 I'm really glad you're moving to a measured
16 baseline. I think that was a big kind of gap in the
17 program, and not because of any failure, but just because
18 it's pretty technical and it's analytical work that needs
19 to get worked through, so very much support that. I think
20 it will make the program more efficient, more effective at
21 investing the dollars, and really, again, more broadly
22 relevant than just this.

23 I guess, so working really hard across the
24 Commission, and I think there are multiple divisions who
25 are going to learn from this program and are coordinating

1 on, you know, things like developing more of a demand
2 response or a load flexibility typology and kind of
3 figuring out what policy directions we need to take, you
4 know, with DSGS being a real great case study.

5 And I think that interface, well, there are
6 really two ways that California is unique, I think we all
7 need to keep in mind. One is we have a very sophisticated
8 system operator, and then we also have a very diverse
9 landscape of utilities, of LSEs operating under that bulk
10 load, you know, and then beyond, right, in bank and the
11 other balancing authorities as well, so very complex
12 landscape. So that's kind of one, that interface between
13 the CAISO and the retail providers. Even now, even with
14 DSGS, I think there's stuff getting lost in translation.
15 It's harder for a retail aggregator to know what to do, and
16 a lot of that's about retail rate making; right? But then
17 how does that actually, how does the accounting work
18 between that wholesale level, you know, and the retail?

19 And then the other is the CCAs, and we heard from
20 one of them. That's the second, you know, big, unique sort
21 of element of California's reality, and we heard from them
22 that they're a little bit nervous about this. And I think
23 we need to keep working to help maintain, create and
24 maintain a level playing field so that the folks who are
25 out there procuring energy on behalf of customers are --

1 that they don't have hands behind, you know, tied behind
2 their back, that they're all operating sort of with the
3 same information and are able to help their customers
4 respond in ways that are consistent and fair. And I don't
5 actually think we're there right now in the state. This is
6 not about DSGS. It's really a much more broad kind of
7 problem.

8 But again, I think DSGS really has an incredible
9 opportunity to figure out solutions and elevate those and
10 figure out, help us figure out how we can, you know, work
11 with the PUC and the CAISO and all the different LSE types.
12 You know, we've got vertically integrated and restructured
13 and everything in between. So that, again, it's like a
14 great learning lab for solutions.

15 And so I just really look forward to working on
16 that with you and, you know, happy to -- I think where a
17 lot of this has been about reliability, really the origin
18 has been about reliability, you know, of DSGS, but we also
19 need to focus on the 24/7 day in, day out load modulation
20 that's going to help us optimize the use of the grid,
21 not -- you know, beyond, far beyond just moments when we
22 have grid tightness. And so that's, I think, going to be,
23 I think it's going to be part of the California story, as
24 well, is figuring out how to put some downward pressure on
25 rates beyond the -- beyond just the peak clipping, but

1 really, you know, load shaping more broadly.

2 So anyway, thanks for letting me sort of expound.
3 But we don't have a lot of conversation. We don't have a
4 lot of opportunity to have these conversations across the
5 Commission. And I think having DSGS really out there in a
6 leadership position opens up the doors to talk about it in
7 public, which is really nice. So thanks for all the
8 teamwork.

9 CHAIR HOCHSCHILD: Commissioner Gallardo?

10 COMMISSIONER GALLARDO: All right, so I'll ditto
11 the thank yous and congratulations.

12 And also wanted to point out that we just got
13 done with San Francisco Climate Week, so happy belated
14 Climate Week, everybody. And one of the topics that kept
15 coming up were this, you know, virtual power plants. I
16 also heard them called DPPs, deployed power plants.

17 CHAIR HOCHSCHILD: (Indiscernible.)

18 COMMISSIONER GALLARDO: What's that?

19 CHAIR HOCHSCHILD: (Indiscernible.)

20 COMMISSIONER GALLARDO: No, they said deployed,
21 which was interesting to me. I hadn't heard about it. But
22 the point is, lots of talk about this concept and how
23 powerful it is. And as the lead Commissioner for Opt-In,
24 we're focused there on building out new power plants, new
25 energy facilities. And here we are leveraging existing

1 assets and resources, which I think is really exciting that
2 we can do that in parallel. And it makes me think about,
3 you know, how we're using power of the people for the
4 people. And I think it's really exciting. I applaud all
5 the work that's going on. And even though I'm also not a
6 Commissioner that's working directly on this, support all
7 the effort that's going on. I think it's really important
8 that we keep advancing this despite any barriers and
9 challenges we may be facing. I think we can overcome.

10 CHAIR HOCHSCHILD: Vice Chair?

11 VICE CHAIR GUNDA: Chair, thank you. I had a
12 pretty lengthy talking points on this and I put it aside so
13 I forgot. Just wanted to also thank all the stakeholders
14 who have spent an enormous amount of time with the staff on
15 figuring out how best to do this. So thank you for all the
16 comments, but also the time that you've given the CEC on
17 how best to move this forward.

18 I also want to recognize Olavine (phonetic), who
19 has been a partner on this issue. I don't know if Beth
20 Reed's (phonetic) listening, but just wanted to give a
21 shout out to Beth for her and that team for all the work
22 that they've done.

23 So with that, I look forward to moving the item
24 if you're good.

25 CHAIR HOCHSCHILD: Yeah, I just wanted to close

1 with one remark, which is we've not had a Flex Alert in the
2 state of California for three and a half years, all right?
3 So one of the dynamics I've observed is that, you know,
4 when we have a crisis, everybody gets focused, okay, and
5 then when you are successful in, you know, addressing that,
6 then the focus turns to other, because we have so many
7 different challenges in the state.

8 Sustaining our focus on grid reliability is
9 essential. We are seeing the reach of this now very clean
10 electric grid, you know, continue to expand. We have two
11 and a half million electric vehicles in the state of
12 California. We're seeing projects like Oakland, where they
13 have fully electrified their school bus fleet, 74 buses, 74
14 chargers. We've seen new construction go from, you know, 1
15 percent all electric a decade ago to over 80 percent today.
16 You know, constructing the first fleet of battery electric
17 ferries in North America right now, five vessels for San
18 Francisco Bay, you know, across the state. Caltrain now
19 electrified from Silicon Valley to San Francisco. We have
20 to support all these growing electrification loads. And
21 temperatures are higher, air conditioning loads are higher,
22 so tools like this are essential.

23 And I just want to highlight again how difficult
24 it is to stand up a totally new program. Because
25 internally to us, you know, part of the challenge Deana

1 faces is, you know, finding talented staff, getting them
2 trained up, you know, and learning to, you know, fly this
3 new plane. It's not easy. And so we've done that. Really
4 important to keep the momentum going.

5 And Vice Chair, again, thank you for leaning into
6 this. There's not a Nobel Prize for grid reliability.
7 There probably should be, and you would get it if I were up
8 to me. But I really want to just thank everyone.

9 And with that, I yield to the Vice Chair to move
10 this item.

11 VICE CHAIR GUNDA: Yeah, move the item.

12 CHAIR HOCHSCHILD: Is there a second from
13 Commissioner McAllister?

14 COMMISSIONER MCALLISTER: Second.

15 CHAIR HOCHSCHILD: All right. All in favor of
16 Item 5, say aye.

17 Vice Chair Gunda?

18 VICE CHAIR GUNDA: Aye.

19 CHAIR HOCHSCHILD: Commissioner McAllister?

20 COMMISSIONER MCALLISTER: Aye.

21 CHAIR HOCHSCHILD: Commissioner Gallardo?

22 COMMISSIONER GALLARDO: Aye.

23 CHAIR HOCHSCHILD: And I vote aye as well. Item
24 5 passes four to zero. I want to thank you very much,
25 Ashley and everyone. That's worth a round of applause.

1 (Applause)

2 CHAIR HOCHSCHILD: That was a good one. Thank
3 you guys.

4 We'll turn next to Opt-In Certification, Item 6,
5 Soda Mountain Solar Project. I welcome Lisa Worrall to
6 present.

7 MR. BOHAN: Good morning, Chair, Vice Chair,
8 Commissioners. Before we bring Lisa up to the podium, I
9 wanted to just give a quick background on this project and
10 frame it.

11 This item, Item 6 on the agenda, is the Soda
12 Mountain Solar Project. This is the third project brought
13 to you under the Opt-In Program. The first one you
14 rejected up in Northern California, a wind project. The
15 second one you approved, the Darden Project. That is being
16 built as we speak in Fresno County. It will be one of the
17 largest solar and battery installations in the entire
18 world. This one, Soda Mountain, is a 300-megawatt solar
19 project with 300 megawatts of battery backup at four hours.
20 It is directly adjacent to the I-15 and south of it, about
21 50 miles east of Barstow from L.A. on the way to Las Vegas.
22 You pass Barstow and 50 miles later you come to this
23 project. It's just a little shy of Baker, California.

24 Our job as your staff under CEQA is to look at
25 this project, like all projects, and identify impacts.

1 Like every project that's ever come before us, this project
2 has impacts, so we looked at them. We examined all manner
3 of mitigation options that could be imposed to reduce the
4 impacts and we did that. However, we were left with two
5 significant unavoidable impacts with the project as
6 proposed.

7 The first one involves one of the most iconic
8 creatures in California, the desert bighorn sheep. And we
9 found that the project as proposed would have a significant
10 unavoidable impact on those creatures. The California
11 Department of Fish and Wildlife advised us that we should
12 require that the project be a quarter mile away, so the
13 fence line of the project be a quarter mile away from what
14 is referred to as the 10 percent slope. So this project is
15 in the valley, as is the highway that it's next to, and
16 then the valley slopes gently up and when it hits 10
17 percent, which is a rise of 10 feet over 100 linear feet,
18 that's the area that we wanted to establish a quarter mile
19 between it and the project. And we did that.

20 So we looked at alternatives. That was the one
21 that staff selected as the preferable alternative and the
22 one that we're recommending to you today. We believe that
23 by acknowledging and respecting this quarter-mile buffer
24 from the place where the sheep spend the vast majority of
25 their time above this slope I described and the project

1 itself will reduce the project impact to less than
2 significant.

3 The second significant unavoidable impact we
4 found was to visual resources. A large industrial project
5 in the middle of the desert has a visual impact. We looked
6 at the mitigation measures that could reduce it to less
7 than significant. We did not feel there were any that
8 could do so successfully, so we're left with a significant
9 unavoidable impact.

10 The statute then directs us to look at those
11 impacts and then balance them against the benefits of the
12 project. So when we looked, as your staff, at the impacts
13 of the project and then balance them against the, you
14 talked about reliability chair moments ago, the reliability
15 benefits that this project would provide, the clean energy
16 benefits, the diversification, the economic benefits to the
17 community, we felt that on balance the benefits outweighed
18 the impacts and on that basis recommend that you approve
19 the project.

20 Before I hand it over to Lisa, who is sitting
21 right here, I just want to thank her and really the whole
22 team. Each one of these things is a massive project.
23 You've seen the document. It's over a thousand pages with
24 23 different, very, very different disciplines discussed.
25 I just want to express my gratitude to the whole team for

1 their incredibly hard work.

2 Thank you.

3 CHAIR HOCHSCHILD: Thank you. Lisa?

4 MS. WORRALL: Sorry, I didn't go to sleep, but my
5 computer did. Thank you, Drew, for those comments. Now I
6 think the presentation is done, but no.

7 Hi, good morning, everybody. Good morning,
8 Chair, Vice Chair, Commissioners. My name is Lisa Worrall,
9 and I am a Project Manager in the CEC's Siting,
10 Transmission, and Environmental Protection Division, or as
11 we like to say, STEP. I will be presenting staff's
12 recommendation to certify the Soda Mountain Solar Project
13 Opt-In application based on our updated Staff Assessment
14 findings. The Soda Mountain Solar Project's application is
15 the third, as Drew said, the third Opt-In application that
16 has come to the Commissioner for a decision -- Commission
17 for a decision.

18 Next slide, please.

19 So in 2022, Assembly Bill 205 was signed into law
20 by Governor Newsom, creating a new optional permitting
21 authority at the CEC, and this is to reduce permitting
22 delays and cutting permitting timelines to a maximum of 270
23 days for clean and renewable energy projects in order to
24 support long-term grid reliability.

25 The CEC is the lead agency under the California

1 Environmental Quality Act, also known as CEQA. Staff is
2 required to prepare an environmental document as part of
3 our Staff Assessment for any project that elects to opt
4 into the CEC's jurisdiction. So for this project, the
5 staff has prepared an environmental impact report.

6 With limited exceptions, the issuance of a
7 certificate to construct and operate an eligible facility
8 by the CEC is in lieu of any permit, certificate, or
9 similar document required by any state, local, or regional
10 agency or federal agency to the extent permitted by federal
11 law.

12 Our work does not conclude if a project is
13 granted a CEC certificate. As the chief building official
14 for the state, the construction and operation phases of a
15 project are regulated by the STEP Division's Compliance
16 Monitoring and Enforcement Unit and the Inspections Unit.
17 These units ensure that any facility certified by the CEC
18 complies with all conditions of their document -- or their
19 certificate, I should say.

20 Next slide, please.

21 The proposed Soda Mountain Solar Project is on
22 approximately 2,670 acres of land administered by the U.S.
23 Department of Interior building -- Bureau of Land
24 Management, also known as BLM, in San Bernardino County.
25 As shown in the figure on the slide, the project site,

1 outlined in red in the lower left side of the figure, is
2 located approximately seven miles southwest of the
3 community of Baker and bounded directly to the east by the
4 Mojave National Preserve and BLM lands, including the Rasor
5 Off-Highway Vehicle Recreation Area. That's at the
6 southeast corner. Interstate 15, or I-15, and the former
7 Arrowhead Trail Highway run along the existing western
8 boundary of the project site.

9 The project will include an up to 300-megawatt
10 solar photovoltaic, or PV, facility, an up to 300-megawatt,
11 or 1,200-megawatt battery energy storage system, also known
12 as a BESS, a 140,000 square-foot high-voltage project
13 substation, a one-mile-long 500-kilovolt, or kV, generation
14 intertie line, or gen-tie, and a 234,300, 244,300 square-
15 foot utility switch yard. The power that's produced by
16 this project will be conveyed to the regional electrical
17 grid through an interconnection with the Mead-Adelanto 500
18 kV transmission line, which is operated by the Los Angeles
19 Department of Water and Power, also known as LADWP.

20 This project would have CEC jurisdictional and
21 non-jurisdictional project components, both of which were
22 analyzed in our environmental document as required by CEQA,
23 and this was analyzed as the whole of the action. Other
24 agencies would use this document for their decisions.

25 As the project is proposed on BLM land, the BLM

1 would need to complete the National Environmental Policy
2 Act review, or NEPA review, and issue a right-of-way grant
3 to the Applicant.

4 Next slide, please.

5 As shown in detail in this slide, the proposed
6 project application was filed in August 2024. After
7 obtaining the required environmental assessment documents
8 and the proposed facility design, CEC staff filed a
9 determination of complete application in July of 2025.

10 This began the Staff Assessment preparation phase. The
11 Draft EIR is within the Staff Assessment and underwent all
12 required public meetings, review, and comment periods.

13 During the public comment period on the Draft
14 EIR, we received 24 comments during the public meeting that
15 was held in February 2026 and 41 comments on the docket.
16 Commenters included agencies, the Applicant, non-
17 governmental organizations, and the public.

18 The Final EIR within the updated Staff Assessment
19 was filed in the project docket on March 27th, 2026. Staff
20 filed an errata to the updated Staff Assessment on April
21 17th in response to Applicant comments that were filed to
22 the docket on April 9th. The errata makes minor
23 corrections and clarifications to the document.

24 Staff filed a second errata on April 24th, 2026,
25 to include the Applicant's community benefits agreement

1 with the Baker Valley Unified School District, which was
2 filed on April 24th, 2026. The second errata does not
3 modify any of the analysis in the updated Staff Assessment
4 or the first errata.

5 Staff have met the required 270-day timeline for
6 an Opt-In proceeding.

7 Next slide, please.

8 Commissioners, I would like to point out that
9 staff has determined the proposed project would have
10 significant and unavoidable impacts to biological resources
11 and visual resources. However, staff also determined that
12 the bighorn sheep and Relocated BESS Alternative No. 2
13 would relocate -- would reduce those impacts, significant
14 unavoidable impacts to biological resources to a less than
15 significant level with the application of mitigation. This
16 bighorn sheep buffer relocated BESS No. 2, Alternative No.
17 2, was also deemed the environmentally superior
18 alternative. We recommend this alternative over the
19 proposed project.

20 While this alternative may still have impacts to
21 desert bighorn sheep, these impacts would be considered
22 less than significant with mitigation and would avoid take
23 of a fully protected species under the California Fish and
24 Game Code. And as I said, the impacts to visual resources
25 would remain significant and unavoidable for this

1 alternative. Other potential significant environmental
2 impacts of the proposed project and bighorn sheep buffer
3 and relocated BESS Alternative No. 2 would be reduced to
4 less than significant with mitigation measures.

5 The proposed conditions of certification and
6 associated verifications in the updated Staff Assessment
7 serve as Mitigation Monitoring and Reporting Program, also
8 known as MMRP, which is required by CEQA.

9 Next slide, please.

10 Both California Energy Commission and the
11 California Fish and Wildlife, or CDFW, staff agree that the
12 proposed project would place development too close to the
13 10 percent slope contour that defines the lower extent of
14 important desert bighorn sheep foraging and escape habitat
15 along the -- which is along the site's northern, southern,
16 and eastern boundary. Staff's recommended bighorn sheep
17 buffer and relocated BESS Alternative No. 2 site plan
18 includes a quarter-mile buffer between the 10 percent slope
19 contour and the project development, which reduces the
20 project footprint. The recommendation proposing an
21 alternative that incorporates the quarter-mile buffer was
22 developed through ongoing coordination with CDFW during the
23 development of the Staff Assessment.

24 The buffer is represented on this figure in the
25 purple crosshatch. As you can see, the project footprint

1 does not encroach into this buffer. The PV field is shaded
2 in orange, and you can see that it's well shy of the
3 buffer, 10 percent buffer -- or the quarter-mile buffer,
4 and it fits in within a smaller footprint.

5 For improved safety, this alternative also
6 relocates the BESS a little further back from the I-15 to
7 an interior portion of the solar field, avoiding the area
8 adjacent, immediately adjacent to the I-15, increasing the
9 distance to approximately 970 feet. The battery location
10 in this alternative is shown in the green shaded area up
11 towards the top of the figure.

12 Staff notes for the record that the Applicant is
13 in agreement with this alternative.

14 Next slide, please.

15 Staff filed an errata to the updated Staff
16 Assessment on April 17th, 2026, which has been included in
17 the backup materials to this meeting. The edits in the
18 errata are necessary to correct inadvertent omissions, fix
19 typographical errors, provide clarifications regarding
20 mitigation calculations, and other clarifying language.

21 I would like to point out a few edits that were
22 made in the Biological Resources Conditions of
23 Certification that were included in this errata. For COC
24 BIO-15, which relates to the desert tortoise impact
25 avoidance, minimization, and mitigation measure, this

1 reflects a clarification regarding the calculation of the
2 one-time payment to the United States Fish and Wildlife
3 Service Regional Raven Management Program, and adds
4 language to allow adjustment of the fee based on the final
5 footprint as certified, final approved footprint as
6 certified. Also, the edits add detail clarifying the
7 mitigation ratios associated with areas defined as long-
8 term project disturbance.

9 BIO-16, BIO-21, and BIO-26, which is the habitat
10 management land acquisition for permanent and temporary
11 impacts to the desert tortoise, burrowing owl, and state
12 jurisdictional waters, reflects a clarification regarding
13 mitigation ratios for mitigation or conservation bank
14 credits. These edits also add language to allow the
15 adjustment for the security fee amount based on the final
16 approved project footprint as certified.

17 So under California Code of Regulations, Title
18 20, Section 1881, for the CEC to issue a certificate for
19 any proposed Opt-In project, the CEC staff must find that
20 the developer has met all specified Opt-In requirement --
21 project requirements. These Opt-In mandatory requirements
22 were met by Soda Mountain Solar, LLC, who certified that
23 all construction workers employed on the project would be
24 paid at least the general prevailing wage of per diem wages
25 based on the geographic area. They will also comply with

1 statutory requirements, like ensuring the prevailing wage
2 requirement is included in all contracts.

3 The updated Staff Assessment proposes a condition
4 of certification that the project owner shall implement the
5 construction labor requirements as required in the Public
6 Resources Code. There is a rebuttable presumption of net
7 economic benefit to the San Bernardino County, and to date
8 there has been no evidence presented in the record that
9 rebuts this presumption.

10 For the requirement that the Applicant enter into
11 one or more legally-binding agreement with or that benefit
12 a community-based organization, the Applicant submitted an
13 executed agreement with the Friends of El Mirage that
14 satisfies this requirement. According to their mission
15 statement, the Friends of El Mirage is a varied group of
16 outdoor recreationists using the El Mirage Off-Highway
17 Vehicle Area in western San Bernardino County and promoting
18 the preservation, multiple use, and restoration of this
19 area.

20 The Applicant recently filed another community
21 benefits agreement with the Baker Valley Unified School
22 District.

23 Next slide, please.

24 In conclusion, the CEC recommends based on the
25 entire record that the Commission adopt the proposed order

1 where CEC would certify the Final EIR, which is within the
2 updated Staff Assessment as modified by the errata and the
3 errata No. 2, complies with CEQA, reflects the CEC's
4 independent judgment, and was considered and reviewed
5 before certifying the Soda Mountain Solar Project, certify
6 completeness of the record of the proceedings, adopt
7 staff's proposed findings of conditions of certification
8 with compliance verifications serving as the Mitigation
9 Monitoring and Reporting Program, and staff's recommended
10 mitigation measures set forth in the updated Staff
11 Assessment and errata, adopt a statement of overriding
12 considerations for visual resources, and lastly, issue the
13 Applicant a certificate to construct and operate the
14 facility as described under the bighorn sheep buffer and
15 relocated BESS Alternative No. 2 in the updated Staff
16 Assessment errata and errata No. 2.

17 Next slide, please.

18 I would like to close by thanking the many people
19 who have helped to get us here today. There are really,
20 really too many to list. Their hard work on the
21 environmental document and throughout the proceeding is
22 greatly appreciated.

23 I would like to now introduce the Applicants'
24 representative, Hannah Arkin, who would like to say a few
25 words about their project.

1 Also, staff is available to answer any questions.
2 I don't know if you want to start with questions first
3 before going to the Applicant.

4 CHAIR HOCHSCHILD: No, we'll put a public comment
5 first.

6 MS. WORRALL: Okay.

7 CHAIR HOCHSCHILD: No, Applicant first and then
8 public comment.

9 Low Okay.

10 CHAIR HOCHSCHILD: Good afternoon. My name is
11 Hannah Arkin, Chief Executive Officer of Resolution
12 Environmental, appearing today as the Applicant's
13 representative for the Soda Mountain Solar Project.

14 The Applicant is Soda Mountain Solar, LLC, a
15 subsidiary of VC Renewables, who is here with us today. VC
16 Renewables develops, constructs, and operates solar and
17 battery storage assets across the Americas and actively
18 manages those assets through their lifecycle, including
19 project development, construction, operations oversight,
20 compliance, and financial management. VC Renewables is a
21 wholly-owned subsidiary of Vetol (phonetic), who is also
22 with us today. Vetol has invested more than \$1.4 billion
23 in solar and energy storage in the United States and more
24 than \$2.5 billion in sustainable assets globally to date.

25 On behalf of the Applicant team, I would like to

1 thank the California Energy Commission for all their hard
2 work in implementing Assembly Bill 205 and the Opt-In
3 certification project -- process. Efficient permitting is
4 critical. It's a critical component in deploying renewable
5 energy infrastructure necessary to meet California's
6 climate and energy goals, and the Opt-In Certification
7 Program is an important framework for advancing utility-
8 scale renewable energy projects while maintaining
9 environmental review and regulatory accountability, and we
10 appreciate the Commission staff's effort in bringing this
11 project to hearing today.

12 The Soda Mountain Solar Project is a utility-
13 scale renewable energy facility consisting of 300 megawatts
14 of solar generation paired with 300 megawatts of battery
15 energy storage. The capacity is sufficient to power more
16 than 140,000 homes, representing approximately one-fifth of
17 all households in San Bernardino County. A project of this
18 scale will significantly contribute to California's
19 transition to renewable energy while helping reduce
20 reliability risks across the grid.

21 The Soda Mountain Solar Project is also
22 intentionally sited adjacent to existing large-scale
23 infrastructure, including Interstate 15, high-voltage
24 transmission lines, the Rasor Off-Highway Vehicle
25 Recreation Area, and the planned Brightline West high-speed

1 rail corridor. The project site is not located in a
2 pristine undeveloped area, and our siting approach
3 minimizes the need for new off-site transmission
4 infrastructure while avoiding unnecessary disturbance to
5 undeveloped areas. It reflects a recognized best practice,
6 clustering infrastructure within existing development
7 corridors to reduce environmental impacts. The project is
8 also located away from residential communities, further
9 reducing potential impacts to nearby populations.

10 Climate change is one of the defining public
11 health challenges of the 21st century, and it affects
12 virtually every aspect of human health and well-being,
13 including access to clean air, food, water, shelter,
14 physical safety, and mental well-being. And projects such
15 as the Soda Mountain Solar play an important role in
16 reducing greenhouse gas emissions and supporting
17 California's transition to a lower-carbon energy system.

18 The project will also have significant economic
19 benefits. The project will create high-wage, highly
20 skilled jobs for construction professionals, including
21 carpenters, electricians, and heavy equipment operators.
22 Our socioeconomic analysis indicates that the project will
23 contribute significantly to the local economy, with the
24 Applicant investing hundreds of millions of dollars in
25 California throughout the development, construction, and

1 operational phases. Direct, indirect, and induced economic
2 output during construction is estimated at over \$272
3 million, while direct, indirect, and induced economic
4 output during operation is estimated at over \$468 million.

5 Throughout the Opt-In process the Applicant team
6 has also engaged with local agencies and stakeholders. The
7 public record reflects that our team has coordinated with
8 the County of San Bernardino, including review and input on
9 important project components related to visual resource
10 impacts. The Applicant has also entered into a community
11 benefits agreement with the Friends of the El Mirage to
12 support an off-highway vehicle community. In addition, our
13 team is also committed to maintaining uninterrupted access
14 to the Razor OHV Area during project construction and
15 operations.

16 Additionally, the Applicant has entered into a
17 community benefits agreement with the Baker Unified School
18 District to develop a Sustainability Learning Center. The
19 facility will provide hands-on environmental education
20 opportunities for approximately 100 students annually and
21 serve as a resource for the broader community. The Baker
22 Unified School District believes our community benefits
23 agreement will help address educational equity by ensuring
24 that rural students have access to the same innovative,
25 hands-on sustainability education available in larger

1 districts.

2 Our team is also committed to advancing the
3 safest and most environmentally responsible project
4 feasible, and worker safety and public health are central
5 to project implementation. For this reason, a
6 comprehensive hazard analysis has been conducted to
7 identify and mitigate all worker safety and public health
8 risks associated with construction, operations,
9 maintenance, and decommissioning activities.

10 The project has also evolved substantially over
11 time to reduce impacts related to biological resources. In
12 2007, the proposed project on this same site covered 4,179
13 acres and had a development footprint of approximately
14 2,222 acres. In March 2016, the BLM issued a Record of
15 Decision approving a project configuration that removed 571
16 acres of the proposed development to reduce impacts to
17 visual resources and account for the future efforts to
18 restore connectivity for the desert bighorn sheep.

19 And the project proposed today maintains the
20 removal of these 571 acres to minimize impacts to desert
21 bighorn sheep, while also incorporating additional
22 biological and hydrological mitigation measures that
23 further reduce environmental impacts. For example, rather
24 than mass grading the entire project site, the Applicant is
25 voluntarily implementing precision grading under the solar

1 array fields. This approach reduces the project's
2 permanent impacts on biological resources by nearly 90
3 percent, reducing grading under the solar arrays from
4 approximately 1,506 acres to 79 acres.

5 This shift from conventional mass grading to
6 precision grading significantly reduces impacts related to
7 biological resources, dust generation, water use, and
8 public health. And beyond the use of precision grading,
9 the project under consideration for certification today
10 also incorporates a fluvial geomorphic stormwater design
11 rather than a conventional stormwater design.
12 Implementation of this nature-based solution reduces the
13 project's earthwork requirements by nearly 95 percent. Net
14 grading after the project site after implementation of
15 fluvial geomorphic stormwater design would be approximately
16 20,000 cubic yards rather than the 489,000 cubic yards
17 originally proposed in our Opt-In application.

18 The project's also implementing a substantial
19 number of mitigation measures and design features to
20 address environmental impacts, including compensatory
21 biological mitigation and wildlife fencing designed to
22 direct animals toward designated wildlife crossing.

23 Further, the staff recommended Big Horn Sheep
24 buffer and relocated BESS Alternative 2 is the result of
25 extensive collaboration among the Applicant, the engineers,

1 environmental specialists, and the California Energy
2 Commission. This alternative reduces impacts across
3 multiple resource areas, including air quality, biological
4 resources, climate change and greenhouse gas emissions,
5 cultural and tribal cultural resources, public health,
6 transportation, solid waste, and water resources.

7 While it is not the Applicant's preferred
8 project, this alternative reflects our good faith effort to
9 minimize impacts to the greatest extent feasible while
10 maintaining project viability. This alternative reflects
11 the type of infrastructure California has called for,
12 strategically sited, technologically advanced, and
13 responsive to environmental concerns. It delivers
14 meaningful progress towards the state's climate goals while
15 maintaining strong commitments to environmental protection,
16 public safety, and community benefit.

17 On behalf of the Applicant team, we respectfully
18 request that the California Energy Commission certify the
19 staff-recommended environmentally superior alternative, the
20 bighorn sheep buffer and relocated BESS Alternative 2. We
21 thank the CEC staff for the great effort that they've gone
22 through in reviewing our proposal and bringing this project
23 to hearing today.

24 Thank you.

25 CHAIR HOCHSCHILD: Thank you.

1 Let's go to public comment on Item 6.

2 MR. YOUNG: Thank you, Chair.

3 We now welcome public comment on Item 6. I do
4 believe that before we take the public comment, we will
5 have a couple of representatives from local government. Do
6 we have the San Bernardino Fire Department? Fire
7 Department, Dan Munsey, I've unmuted your line. Do you
8 want to unmute on your end?

9 MR. MUNSEY: I have done so. Can you hear me
10 okay?

11 MR. YOUNG: Yeah, I can hear you. Thank you.

12 MR. MUNSEY: Thank you very much. I'm Dan Muncy,
13 the Fire Chief/Fire Warden for the San Bernardino County
14 Fire Protection District. This is the district that would
15 provide fire rescue and emergency response to this project.
16 This is the only district that would provide fire rescue
17 and emergency response to this project.

18 The Applicant has coordinated very well with our
19 fire marshal for code and compliance, which we appreciate.
20 However, they have not engaged in responding to Fire
21 Protection District concerns regarding emergency response
22 impact and associated fiscal obligations.

23 I spoke directly to the CEC in person in Barstow
24 on February 5th. During the hearing, I expressed these
25 concerns, the difficulties in providing an emergency

1 response in an extremely remote area of the California
2 deserts with very sparse emergency services. After I
3 spoke, the company immediately reached out that day and
4 said they would work with the Fire District to mitigate
5 response training and our equipment concerns. Since then,
6 the last I heard from the Applicant was February 25th, with
7 no meaningful conversation or solutions to mitigate
8 emergency related public safety concerns.

9 For a project of this scale, particularly with a
10 large battery energy storage component, emergency incidents
11 can require significant personnel training, and in this
12 area, extended response times. These are real costs borne
13 by the Fire District, especially in an area that requires
14 multiple hours and even days to gather needed resources to
15 effectively respond to an emergency.

16 When I last spoke, I gave an example of a real
17 case study of a battery energy storage system that occurred
18 when a truck overturned on the 15 Freeway, shutting down
19 that freeway for 100 hours and stranding almost 40,000
20 people in over 100 degree heat.

21 Under CEQA, these impacts must be mitigated. At
22 this time, there's no bonding agreement in place to address
23 them. I respectfully request that the Commission include a
24 condition of certification requiring the Applicant to enter
25 into a fire service agreement with our Fire District prior

1 to construction. That agreement should address cost
2 recovery training, equipment, and ongoing service impacts.
3 This ensures the project does not shift its burden of its
4 risks into a local emergency services that just, frankly,
5 do not exist, or to a community that doesn't exist in an
6 area, frankly, where the communities and services do not
7 exist in an area where public federal lands that do not pay
8 taxes or provide for any revenue for fire rescue or
9 emergency medical services.

10 Thank you.

11 MR. YOUNG: Thank you.

12 Next, we'll hear from Brandy Wood at CDFW.

13 Brandy, do you want to raise your hand and then unmute
14 after I've unmuted you? You should be able to unmute,
15 Brandy.

16 MS. WOOD: Thank you. Can you hear me?

17 MR. YOUNG: I can. Thank you.

18 MS. WOOD: My name is Brandi Wood. I am an
19 Environmental Program Manager at the California Department
20 of Fish and Wildlife. I oversee the Renewable Energy
21 Program in the Inland Deserts Region, Region 6. We
22 appreciate the opportunity to collaborate regarding the
23 proposed Soda Mountain Solar Project and the activities
24 that may affect California's fish and wildlife resource.

25 CDFW is California's trustee agency for fish and

1 wildlife resources and holds those resources in trust by
2 statute for all the people of the state. Normally, this
3 proposed project would require one or more discretionary
4 approvals by CDFW because it may result in substantial
5 adverse impacts to fish and wildlife resources, such as
6 lake and streambed alteration and incidental take of
7 species protected under the California Endangered Species
8 Act.

9 The project proponent opted into Assembly Bill
10 205 certification process, where CEC has exclusive
11 jurisdiction over the proposed project and its
12 responsibility for ensuring any certification of the
13 proposed project, including all conditions necessary to
14 ensure compliance with Fish and Game Code and its
15 implementing regulations.

16 CDFW does not have a direct permitting role in
17 the process that would trigger a responsible agency role,
18 but pursuant to AB 205, the CEC and CDFW developed a
19 coordination plan through a Memorandum of Understanding to
20 ensure that all potential impacts to fish and wildlife and
21 plant resources and the habitats upon which they depend,
22 including but not limited to incidental take of species
23 protected under CESA, are consistent with Fish and Game
24 Code and its implementing regulations found in Title 14.

25 The project has applied for incidental take of

1 desert tortoise and western burrowing owl, and CDFW has
2 provided guidance and recommendations to avoid, minimize,
3 and mitigate those impacts to those species, meeting the
4 requirements for full mitigation. Additionally, CDFW has
5 collaborated on the impact analysis of stream delineations
6 and other fish and wildlife resources within the project
7 footprint.

8 We appreciate the opportunity to engage with the
9 CEC staff and the project proponent in numerous meetings
10 for the project.

11 Thank you.

12 MR. YOUNG: Thank you.

13 I believe we're now going to transition to
14 general public comment, and we're going to start with folks
15 in the room. Do we have Benjamin Pratt? Welcome,
16 Benjamin. We welcome your public comments. Please state
17 and spell your name for the record. Comments will be two
18 minutes or less.

19 MR. DESAI: Good afternoon, Commissioners. My
20 name is Benjamin Pratt, B-E-N-J-A-M-I-N P-R-A-T-T. I
21 currently serve as Vice President of the IBEW Local 477.
22 We are the power professionals of San Bernardino, Inyo, and
23 Mono County.

24 The Mojave Desert is our backyard. More than
25 half of our members live and, unfortunately, don't get to

1 work in the I-15 corridor. I won't talk to you guys about
2 our need for infrastructure because you know that better
3 than I do. What I will talk about is the human element to
4 this project. Electrical jobs alone, this project stands
5 to generate about 300 employment opportunities.

6 The IBEW is the fabric of the community there.
7 We do robust outreach with veterans. We have a big
8 Veterans Electrical Entry Program at Barstow Community
9 College. We have electrical re-entry, and as well as
10 outreach in the high school districts.

11 So in addition to the 300 jobs provided to
12 existing members, we will be able to open our
13 apprenticeship doors. These are not temporary jobs. What
14 these are is a catalyst for us to be able to open up our
15 books and start the pathway to a true middle-class living
16 wage job. We can only offer these on an as-needed basis.
17 So 300 megawatts of solar and 300 megawatts of BESS is a
18 great opportunity for us to do that.

19 So for those reasons, the IBEW urges you to move
20 forward with this project, Alternative 2, and thank you so
21 much for your time. I appreciate it.

22 MR. YOUNG: Thank you for your comments.

23 I'd next like to welcome Neal Desai. Welcome,
24 Neal. Please state your name for the record and comment
25 for two minutes or less. Thank you.

1 MR. DESAI: Thank you. Neal Desai, N-E-A-L
2 D-E-S-A-I. Good afternoon, Commissioners. My name is Neal
3 Desai representing the National Parks Conservation
4 Association. I want to highlight two points that we
5 included in our letter that was uploaded today.

6 First, the Commission staff in the assessment
7 states that CDFW has endorsed the quarter-mile bighorn
8 sheep buffer over the 0.62 buffer that the nation's leading
9 sheep research has recommended using the most recent
10 science. But the Commission's record, including the
11 comments actually just made right now, shows that CDFW has
12 never commented on this most current research presented to
13 the Commission. That means the substantial evidence here
14 that you have from these researchers show that there will
15 be significant adverse impacts to bighorn sheep, but which
16 can be, of course, mitigated.

17 Second, the Commission staff agreed with us that
18 it should have analyzed a 0.62-mile buffer alternative
19 presented by the sheep researchers, but then didn't because
20 they claimed it was the same as a no-project alternative.
21 But the 0.62-mile buffer alternative reduces a project size
22 in half, and the Commission was provided with at least six
23 examples of solar and storage projects already permitted or
24 being built in the desert that are less than half the size
25 of this 0.62-mile buffer project, meaning there is a way to

1 build a project, meet project objectives, and protect the
2 sheep.

3 Also, the Staff Assessment states that the
4 recommendation by the researchers to delay the project
5 until completion of the planned wildlife crossing would
6 delay the project by at least two years, creating
7 substantial uncertainty regarding timing, funding, and
8 ability to construct.

9 But companies have been trying to develop this
10 site since 2007, and it raises the practical question here:
11 How can the Commission say that a project could be viable
12 in 2026, 19 years since the 2007 attempt to develop, but
13 not two years later in 2028, or sequence it however you
14 want? We're talking about a two-year difference. There's
15 no evidence in the record to support that conclusion. And
16 alternatives are here, opportunities are here to meet the
17 different goals, including protecting the sheep.

18 Thank you very much.

19 MR. YOUNG: Thank you for your comments.

20 Our last speaker in the room, Greg Hurner, SCI
21 California Coalition. Welcome. Please state your name for
22 the record.

23 MR. HURNER: G-R-E-G H-U-R-N-E-R. I'm here, Greg
24 Hurner, on behalf of the Safari Club International and
25 Safari Club International California Coalition. We are

1 opposed to the project. Bighorn sheep are not just iconic.
2 They have very special needs, as do many other species.

3 The governor is spending over, probably in the
4 end, over \$100 million to build a wildlife crossing in
5 Southern California for mainly mountain lions and genetic
6 diversity. The difference with a mountain lion is it will
7 travel and convert -- and traverse and look for different
8 areas. Bighorn sheep, other types of species like this,
9 use standard migration corridors over long periods of time.
10 You just need to go and read about the Teton Range and what
11 development around the Teton Range has done to migration
12 patterns for bighorn sheep there. They all end up in the
13 elk refuge right outside of town because they can no longer
14 migrate past where their historical range has been.

15 So this is a really critical issue. Buffer zones
16 are really critical. Making sure that they can access the
17 overcrossing and not be disturbed by the construction and
18 the continued operation of that facility is very critical.

19 You want to talk about climate change? There's
20 no more mountains being developed for these guys; right?
21 This is their only range that they have, and they have used
22 the area. If you look at the collaring data and you look
23 at where they have used these lower areas at times, and
24 those areas are probably going to become more important as
25 we have greater heat and other issues in reduction in feed.

1 So we need to create as much opportunity for these iconic
2 species to be able to maintain their historic migration
3 routes and be able to successfully operate.

4 We spend hundreds and millions of dollars to try
5 and conserve these species, and we would urge you to reject
6 the project.

7 MR. YOUNG: Thank you.

8 We're now going to transition to online
9 commenters. The first is going to be Monica Ronchetti
10 (phonetic), followed by Scott Murtishaw.

11 Monica, I'm going to unmute your line. Please
12 unmute on your end. State and spell your name for the
13 record, and welcome your comments. Looks like they may
14 have dropped off.

15 MS. RONCHETTI: I'm sorry, I did not have a
16 comment. I did not request to speak.

17 MR. YOUNG: Hi, are you there?

18 MS. RONCHETTI: Yes. I did not have any
19 comments. I did not request to speak.

20 MR. YOUNG: Okay. Thank you.

21 MS. RONCHETTI: Thank you.

22 MR. YOUNG: Our next speaker is going to be Laura
23 Cunningham, followed by Scott Murtishaw. I apologize,
24 something is going on with my queue here. Scott Murtishaw,
25 I'm going to unmute your line. Please unmute on your end

1 and deliver your comments. Thank you.

2 MR. MURTISHAW: Can you hear me?

3 MR. YOUNG: Yes. Thank you.

4 MR. MURTISHAW: All right. Thank you. Hi. Good
5 afternoon, Commissioners. I appreciate the opportunity to
6 speak to you today. I am the Executive Director of the
7 California Energy Storage Alliance, a trade association
8 that's committed to advancing the role of energy storage in
9 the electric power sector across California.

10 I want to express our strong support for the
11 proposed Soda Mountain Project, which includes 300
12 megawatts of energy storage. This project will provide
13 safe, reliable, and clean power to thousands of homes when
14 the energy is most needed.

15 As the Applicant has previously explained, the
16 project site is located adjacent to existing transmission
17 corridors and major load centers, which will enable
18 interconnection without requiring costly and time-consuming
19 upgrades. And this strategic location ensures that the
20 project can be brought online quickly and cost-effectively,
21 delivering immediate benefits for good reliability.

22 We already have over 17,000 megawatts of energy
23 storage that are deployed across 250 utility-scale
24 facilities and several hundred thousand customer-sited
25 systems. But, Commissioners, as you are aware, we still

1 have a long way to go to reach our statewide target of
2 52,000 megawatts by 2045. The project will use the latest
3 energy storage chemistries and safety technologies with
4 state-of-the-art safety design, including robust fire
5 protection, perimeter safety features, air monitors, and
6 advanced battery management systems. And these
7 technologies are a lot less prone to thermal runaway, so
8 that we reduce the risk of incidents to begin with, and the
9 modular system design used by projects like this limit the
10 severity of any incidents that may occur.

11 Globally, I'm only aware of two instances where
12 thermal runaway ever propagated from a container of origin
13 to a second adjacent container using this type of design.
14 And in both cases, those projects use energy storage
15 products that are no longer available on the market.

16 Energy storage has proven indispensable during
17 record-breaking heat waves, helping California avoid
18 blackouts and grid emergencies, and we need to retire
19 thousands of megawatts of ocean-cooled natural gas plants
20 in the next year. These types of energy storage systems
21 are vital. Soda Mountain is well-timed and well-positioned
22 to fill critical needs like this.

23 For all of these reasons, we respectfully request
24 your support for the Soda Mountain project.

25 Thank you.

1 MR. YOUNG: Thank you.

2 Next, we'll hear from Laura Cunningham, and then
3 MDLT.

4 Laura, I'm going to unmute on my end. Go ahead
5 and unmute on your end, and you should be able to deliver
6 your comment. Thank you.

7 MS. CUNNINGHAM: Thank you. Hello. My name is
8 Laura Cunningham, L-A-U-R-A C-U-N-N-I-N-G-H-A-M. I'm a Co-
9 Founder with Basin and Range Watch, and the California
10 Director at Western Watersheds Project, and I've been
11 participating in these CEC hearings since the Ivanpah Solar
12 Electric Generating System back in 2010, and I am noticing
13 the erosion year by year of CEQA and the bias, to me, of
14 going to support every single solar project on public
15 lands, no matter how high value those lands are.
16 Biodiversity is degraded. Populations of local species are
17 extirpated. Local human communities are being ignored year
18 after year.

19 Not mentioned today is that the Soda Mountain
20 Solar Project is right next to Mojave National Preserve,
21 very high value, popular public lands park. Please listen
22 to the many scientists and hunting groups on bighorn sheep
23 connectivity, which cannot be mitigated, and this project
24 is going to have huge impacts, so it should not be built
25 there. Put it on really, truly degraded land.

1 I have walked this site of the proposed Soda
2 Mountain Solar Project for years. It is a huge undeveloped
3 Mojave Desert ecosystem full of wildflowers. It's not full
4 of facilities. You can barely see the highway in the
5 distance, this area is so gigantic, and it will then, if
6 this project is built, lead to more fragmentation.

7 Instead of always only concentrating on climate
8 change, and there's new research that just came out last
9 week on the value of carbon sequestration of Mojave Desert
10 soils, which I'm not even going to bother to send to the
11 CEC because this project apparently is preordained with its
12 overriding considerations, so please oppose and do not
13 certify.

14 Thank you.

15 MR. YOUNG: Thank you.

16 Next up, we're going to hear from MDLT, and then
17 Scott Miller. I'm going to unmute your line. Please
18 unmute on your end, and we welcome your comments.

19 MR. LAHAGE: Hello. Can you hear me all right?

20 MR. YOUNG: We can. Thank you.

21 MR. LAHAGE: Well, thank you so much for the
22 opportunity to speak today. My name is Krystian Lahage,
23 K-R-Y-S-T-I-A-N, last name L-A-H-A-G-E. I am the Public
24 Policy Officer for the Mojave Desert Land Trust, and I'm
25 speaking today in opposition against this project.

1 The Mojave Desert Land Trust is a land trust that
2 acquires lands across the Mojave Desert to be then handed
3 over to our federal partners for permanent protection. We
4 prioritize land in connectivity sectors, wildlife
5 corridors, et cetera, especially for our threatened and
6 endangered species.

7 In the Mojave Preserve, we have acquired 30,000
8 acres, which have been either transferred over to the
9 National Park Service or in the process of it. Our
10 emphasis on those lands has been on the connectivity for
11 species like the bighorn sheep. We are writing in concern
12 due to the lack of consideration after Dr. Christina Aiello
13 has submitted multiple mitigations, and none of those were
14 adopted by the CEC.

15 I would also like to speak in reference to the
16 buffer zone that has been alluded to by previous speakers.
17 As others have mentioned, the effects for bighorn sheep
18 when their migratory routes are disturbed is outsized. We
19 have, over the years, worked to really build out the
20 wildlife corridors in this area and ensure that the bighorn
21 is able to traverse between those known areas.

22 As others have mentioned, this project has had a
23 long lifeline. It has been opposed by the National Park
24 Service because of its proximity to the nearby Mojave
25 National Preserve, and we would really like to see those

1 mitigations in there. And for that reason we cannot
2 currently support this project.

3 We have also seen projects similar at a smaller
4 footprint that have been approved through the same process.
5 Here, I'm in Joshua Tree, but just here in Twentynine
6 Palms, we have two solar projects with a much smaller
7 footprint that are still meeting the state's energy goals.

8 So we respectfully oppose this project, and I
9 thank you for the time to speak today.

10 MR. YOUNG: Thank you.

11 Scott Miller, I'm going to unmute your line.
12 Comments will be two minutes or less. Thank you.

13 MR. MILLER: Yes, good afternoon. Scott Miller.
14 Can you hear me?

15 MR. YOUNG: Yes, we can hear you. Thank you.

16 MR. MILLER: Yes, S-C-O-T-T, Miller, M-I-L-L-E-R.
17 I'm the Executive Director of the Western Power Trading
18 Forum, and I'm speaking on behalf of the Soda Mountain
19 Project and urge the Commission to certify the EIR and
20 adopt the updated Staff Assessment.

21 As a former regulator, I understand that almost
22 any development has certain effects, certain public
23 effects. And I very much appreciate the staff's attention
24 to trying to seek the balance between mitigation of
25 impacts, both environmental and to the public, as well as

1 the recognizing the benefits, particularly from a
2 reliability standpoint. This will certainly provide some
3 added benefit to the reliability for the grid and for
4 California, and while meeting California's very robust
5 clean power goals.

6 I would just like to point out that one of the
7 issues that WPTF members are most interested in is
8 achieving reliability through markets, and this particular
9 project is part of a web of projects that are necessary to
10 keep reliability.

11 The Chairman in the previous item on the agenda
12 mentioned the fact that there has not been a Stage 1 alert
13 in a while. A lot of that has to do with the fact that
14 we've had some very robust hydro years, as well as the fact
15 that we've had a huge deployment of battery resources.
16 We're in the process of entering a possible drought period
17 in all the hydro basin areas, and so increasing projects
18 like this will help underpin the reliability to meet clean
19 energy goals that's necessary for both California and the
20 wider West. So I urge the Commission to certify the EIR
21 and commend the Commission staff for the work that they've
22 done.

23 Thank you.

24 MR. YOUNG: Thank you for your comments.

25 Joan Taylor, I'm going to unmute your line.

1 Please unmute on your end, and we welcome your comment.

2 MS. TAYLOR: Good morning. Joan Taylor here,
3 J-O-A-N T-A-Y-L-O-R. I represent the Sierra Club, and I'm
4 the chair of its California/Nevada Desert Committee.

5 I'd like to highlight that the Energy Commission
6 itself was the lead in conceiving of the Desert Renewable
7 Energy Conservation Plan and guiding it to completion. It
8 was an extremely thoughtful and laudable stakeholder effort
9 to protect the California desert from scattershot solar and
10 wind development. Sierra Club participated as a seated
11 stakeholder in DRECP through the eight years. It's notable
12 that the DRECP was a huge compromise, yes, between
13 developers, enviros, tribes, military, utilities, and so
14 forth. It was never challenged. This is our guidepost for
15 developing in the desert.

16 For all the reasons you have heard and received
17 in writing, this site was never, ever seriously considered
18 as a candidate for the hundreds of thousands of acres of
19 designated development focus areas and variance lands for
20 development. It's way too problematic. It is anything but
21 low-conflict. To approve this project would be to violate
22 the very intent of DRECP and the agreement arrived at with
23 good faith of all stakeholders and championed by CEC.

24 To be clear, Sierra Club supports the development
25 of renewable energy, but this project violates the spirit

1 and intent of DRECP. It is not necessary. We urge CEC to
2 deny it.

3 Thank you.

4 MR. YOUNG: Thank you.

5 Kevin Emmerich, I'm going to unmute your line.
6 Please unmute on your end. Comments will be two minutes or
7 less. Thank you.

8 MR. EMMERICH: Hello. Thank you. My name is
9 Kevin Emmerich, K-E-V-I-N E-M-M-E-R-I-C-H, and I'm a Co-
10 Founder of the group Basin and Range Watch. We've opposed
11 this project since about 2009. I believe it goes back that
12 long. And we did it based on all of the solar impacts,
13 fugitive dust, bighorn sheep impact, desert tortoise,
14 groundwater impact, et cetera, et cetera.

15 What we didn't oppose, because we didn't know
16 about, was the lithium battery storage, and that was added
17 just recently. And when the BLM approved this in 2016,
18 they did not mention that either. And the BLM obviously
19 refused to go back and actually review that in their EIS
20 process, and we think that was an oversight, and so this is
21 an incomplete review.

22 The County of San Bernardino opposed it, also, in
23 2016 adamantly. They did not want this. And
24 unfortunately, that decision was taken out of their hands.

25 It's obvious from the scientists who have spoke,

1 I won't repeat, that this project will have an impact on
2 the most significant population of desert bighorn sheep in
3 the state of California. And the scientists don't believe
4 your mitigation is adequate for this.

5 In terms of the visual resources in the Mojave
6 Preserve, there is a long tourism potential there. The
7 visitation of that area is growing. Tourism is growing,
8 but solar panels degrade after 15 to 20 years, and lithium
9 batteries degrade in 10 years. There's a long-term
10 sustainable tourism economy here.

11 There is also alternative location, disturbed
12 land in the Central Valley with substations and
13 transmission that these projects can go on. There are
14 75,000 square miles of rooftops in the United States that
15 can support solar panels, and 3 million acres of parking
16 lots that can have canopies over them.

17 This project is not necessary. Please reject it.

18 Thank you.

19 MR. YOUNG: Thank you.

20 Our final commenter will be Randy Banis. Randy,
21 I'm going to unmute your line. Please state and spell your
22 name for the record, and comments will be two minutes or
23 less.

24 MR. BANIS: Good afternoon. My name is Randy
25 Banas, R-A-N-D-Y B-A-N-I-S. I'm President of Friends of El

1 Mirage, a 501(c)(3) nonprofit organization that's now in
2 its 27th year. We partner with the Bureau of Land
3 Management's Barstow Field Office to assist in managing
4 sustainable off-highway vehicle recreation in the Mojave
5 Desert.

6 Immediately adjacent to the proposed Soda
7 Mountain Solar Project is the Rasor Off-Highway Vehicle
8 Recreation Area. It encompasses approximately 24,000 acres
9 of BLM-managed public land south of Interstate 15. Also
10 adjacent to the OHV area is the Mojave National Preserve to
11 the east and is bounded by the Mojave Trails National
12 Monument to the south and to the west.

13 As first proposed in the mid-20-teens, the Soda
14 Mountain Solar Project footprint would have overlapped and
15 taken significant acreage from the BLM's Rasor Off-Highway
16 Vehicle Area. As a result, the OHV community opposed the
17 initial project proposal. But since that time the Rasor
18 OHV Area has received strong protections through the BLM's
19 DRECP and the 2019 Dingell Act passed by Congress. The
20 current project footprint now lies outside the Rasor OHV
21 Area, for which we are grateful.

22 As a result, Friends of El Mirage has entered
23 into a community benefit agreement that would bring
24 improvements and enhancements to the Rasor OHV Area that
25 would be much welcomed by visitors. The OHV Area is

1 remote, primitive, and lacks amenities. Through this good
2 neighbor agreement, the project would provide durable
3 facilities that will improve the experience for many OHV
4 enthusiasts who visit this remote and wonderful recreation
5 area.

6 I thank you this afternoon for this opportunity
7 to speak.

8 MR. YOUNG: Thank you.

9 Chair, that concludes public comment. Back to
10 you.

11 CHAIR HOCHSCHILD: All right. Thank you,
12 everyone, for those comments.

13 We'll resume now with Commissioner discussion
14 starting with Commissioner Gallardo.

15 COMMISSIONER GALLARDO: Buenas tardes. Good
16 afternoon, everyone. Thank you again for being here and
17 for engaging. I am the Lead Commissioner for our
18 permitting programs here at the Energy Commission,
19 including the Opt-In Certification Program, which is the
20 item right now that we're going to consider.

21 Before we move into the fuller discussion, I did
22 want to see if staff could respond to a few of the comments
23 that we heard. I think this would be beneficial for the
24 Commissioners who are going to consider a vote here, and
25 then also for the public who is listening and engaged.

1 So there was a concern brought up at the
2 beginning from the fire district. And my understanding is
3 that there does need to be an agreement. It is a
4 requirement. However, it doesn't need to be before the
5 vote, it does have to be before site mobilization. And so
6 if you could, if someone from staff could please provide
7 some additional detail there and understanding? Thank you.

8 MS. PONCE: Thank you, Commissioner, for the
9 opportunity to speak. Mariah Ponce from the Chief
10 Counsel's Office.

11 The updated Staff Assessment recognizes that the
12 project would impact the Fire District beyond the existing
13 firefighting and public safety activities' deficiencies.
14 Conditions of Certification Worker Safety-10 requires the
15 Applicant to work with the Fire District to determine the
16 amount of funding necessary to address the additional
17 service demands caused by the project. This determination
18 will be made either through a negotiation or through
19 arbitration.

20 Worker Safety-10 requires the Applicant to
21 provide a schedule for reaching an agreement with the Fire
22 District no more than 30 days after certification.
23 Additionally, Worker Safety-10 requires that the agreement
24 be put into place at least 30 days prior to the start of
25 site mobilization. The CEC has utilized the same approach

1 outlined in Worker Safety-10 previously in its Opt-In
2 Program and a timely agreement was reached in that
3 instance.

4 Additionally, STEPS Compliance Monitoring and
5 Enforcement Unit and Inspection Unit ensures that any
6 facilities certified by the CEC complies with all
7 conditions of their certificate and would include enforcing
8 Worker Safety-10.

9 COMMISSIONER GALLARDO: Thank you. So Worker
10 Safety-10 is already a condition that's a part of this,
11 correct, already written out?

12 MS. PONCE: Yes.

13 COMMISSIONER GALLARDO: And I think the other
14 point that you made there is that we've already done this
15 before we've experienced this before in the Darden Clean
16 Energy Project so it's not something out of the norm?

17 MS. PONCE: Yes, that's correct.

18 COMMISSIONER GALLARDO: Okay. And can you
19 highlight again, if an agreement isn't reached, what would
20 happen?

21 MS. PONCE: If an agreement isn't reached between
22 the Applicant and the Fire District there are provisions
23 within Worker Safety-10 that would require them to go
24 through arbitration, and then there's the timeline
25 requirement that that arbitration needs to be completed by.

1 COMMISSIONER GALLARDO: Okay. Great. And then
2 would it be possible to get a progress report, if possible,
3 to the energy Commission?

4 MS. PONCE: Yes, of course. And then there's
5 also verification requirements associated with Worker
6 Safety-10 that the Applicant would have to comply with as
7 well.

8 COMMISSIONER GALLARDO: Okay. Thank you.
9 Quickly, and just focused on this topic,
10 Commissioners, do you have any questions just on this topic
11 alone?

12 VICE CHAIR GUNDA: Thank you so much. Just
13 wanted to make sure I understand this clearly. So if the
14 agreement doesn't get in place, it goes to arbitration and
15 then what happens? So if could you just kind of walk
16 through the process?

17 MS. PONCE: Sure. So the schedule requires that
18 the Applicant provides, 30 days after certification, their
19 plan to get into an agreement. If they can't work that out
20 they go through arbitration and the timeline for that is an
21 agreement needs to be put into place 30 days prior to the
22 site mobilization.

23 VICE CHAIR GUNDA: Okay. Thank you. Thanks.

24 COMMISSIONER GALLARDO: Thank you for that. And
25 then also we heard a few concerns about the buffer and the

1 impact on the bighorn sheep, so wanted to see if anyone
2 could speak to that? Thank you.

3 MS. WORRALL: Yes, Commissioner, thank you. This
4 is Lisa Worrall here, Project Manager for CEC.

5 So staff, CEC staff, had concluded that the
6 adoption of the bighorn sheep and relocated BESS
7 Alternative No. 2 would result in less in less than
8 significant impacts to desert bighorn sheep with the
9 implementation of the proposed mitigation measures which
10 includes the use of limited operating hours, operating
11 periods, I should say, that avoid work during the sensitive
12 lambing periods. It requires biological monitoring and the
13 construction of new water sources in the areas identified
14 by the CEC, California fish -- California Department of
15 Fish and Wildlife, and Bureau of Land Management, and then
16 the funding of additional radio collars to track the
17 movement of desert bighorn sheep.

18 CEC staff acknowledges that the mitigation
19 measures proposed by the bighorn sheep researchers and
20 other interested parties would substantially reduce or
21 avoid impacts to desert bighorn sheep. These measures
22 includes implementation of a 0.62 mile buffer or a 1.2 mile
23 buffer, which would avoid infrequently used habitat and
24 place the physical structures further from occupied
25 habitat.

1 In addition, delaying the construction of the
2 project until construction of the wildlife -- proposed
3 wildlife crossing, if completed, and monitoring of the
4 sheep has been conducted to verify their use of the
5 structure could potentially encourage the bighorn sheep to
6 use the wildlife crossing. However, these mitigation
7 measures proposed by those interested parties would
8 effectively act as a no-project alternative or compromise
9 the functionality of the project.

10 In contrast, the proposed alternative and
11 mitigation measures proposed in the updated Staff
12 Assessment and Executive Director's recommendation would
13 allow the construction of the project and reduce the
14 impacts to less than significant. The planned wildlife
15 overpass crossing across I-15 is approximately 1.24 miles
16 away from the project, and the desert bighorn sheep using
17 the crossing would not have direct line of sight of the
18 project to the project area.

19 Also, there does not appear to be any studies
20 that directly demonstrate confirmed avoidance of crossing
21 structures or adjacent habitat by desert bighorn sheep at
22 large-scale renewable energy facilities.

23 As described in the Staff Assessment, CEC staff
24 worked closely with the California Department of Fish and
25 Wildlife to evaluate the various buffer options and

1 mitigation approaches that could be implemented to protect
2 the desert bighorn sheep. Based on this coordination, the
3 quarter-mile buffer was deemed to be adequate to reduce
4 impacts to less than significant with mitigation.

5 That's all we have on that.

6 COMMISSIONER GALLARDO: Thank you, Lisa. And
7 then could you clarify, based on what you just said, that
8 means that the coordination with CDFW was recent/current?

9 MS. WORRALL: We coordinated right from the
10 start, weekly basis, weekly telephone calls with CDFW,
11 discussed ILO (phonetic) and EPS (phonetic) proposed 0.62,
12 1.25, 4 mile buffers, looked at that looked really very
13 closely. We even worked with United States -- U.S. Fish
14 and Wildlife Service staff -- sorry, BLM experts, sheep
15 habitat experts. And given all the information, we're very
16 comfortable that the quarter-mile buffer back from the 10
17 percent slope would reduce the impacts to less than
18 significant.

19 COMMISSIONER GALLARDO: Thank you. And it
20 wouldn't -- there is no indication that will prevent the
21 bighorn sheep from --

22 MS. WORRALL: Oh, no, not at all.

23 COMMISSIONER GALLARDO: -- using that --

24 MS. WORRALL: No.

25 COMMISSIONER GALLARDO: -- crossover?

1 MS. WORRALL: No.

2 COMMISSIONER GALLARDO: Okay. Commissioners
3 and/or Chair, does anyone have questions (indiscernible)?

4 CHAIR HOCHSCHILD: So I just want to confirm, is
5 there -- there's no fence around the facility, so the sheep
6 are able to walk through the (indiscernible)?

7 MS. WORRALL: They can walk through. I would
8 look to the Applicant. I believe there's some -- yes.

9 COMMISSIONER GALLARDO: Could you approach the
10 podium, please, just to ensure everyone including those
11 online can hear? Thank you.

12 MS. ARKIN: CDFW issued a project-specific report
13 that conditioned a number of mitigation measures, and we've
14 adopted all of them with the help of the CEC coming up with
15 the buffer concession, which we appreciate. One of those
16 was wildlife fencing, so the panels will be fenced. And
17 there's -- fencing also created a way to make sure that the
18 sheep are, if they come close to the project, they're kind
19 of diverted back to their habitat that's prime, which is
20 off-site and closer to that wildlife corridor.

21 So the gen-tie area will not be fenced because
22 that's aerial and we want to make sure there's no
23 connectivity issues. But the solar array themselves, it's
24 a multi-purpose wildlife fencing to exclude the tortoises,
25 exclude the bighorn sheep, but also ensure that the actual

1 habitat is preserved in perpetuity where we can.

2 CHAIR HOCHSCHILD: Got it. Okay. Thank you.

3 COMMISSIONER MCALLISTER: could you just -- oh,
4 yeah, sorry. So it seems like here's a question. So the
5 controversy around sort of what, you know, species that
6 really wants to stay away from human sort of development
7 needs sort of space to do that, and it sounds like, at
8 least from some of the advocates for the bighorn sheep,
9 that that there's a there's a sense and maybe some science
10 behind the sort of just that proximity, not like fencing at
11 the site itself but it's more about the proximity? I guess
12 that seems to be where the sort of difference of opinion
13 comes around, like what constitutes an impasse, significant
14 impact, basically. But could you talk about --

15 MS. ARKIN: as a non-biologist, from my
16 perspective I think there has been a consistent group of
17 concerned stakeholders for two decades that have opposed
18 our project and it's because of the biological resources on
19 site, which is a wide variety. If you look at our
20 conditions of certification, they're very intense; right?
21 So we, as the Applicant team, it's infeasible to move the
22 project. We docketed, you know, substantial evidence into
23 the record to talk about the alternative sites, to talk
24 about why we can't reduce the project. It's infeasible for
25 the project to go to 0.64 and to a 0.124 [sic]. But with

1 the CEC's assistance in examining this 0.25 mile buffer, we
2 can have a feasible project.

3 So from my position where I see the data and the
4 science, I don't see a clear answer to the question, but I
5 do see a dialogue that there's a no on Soda Mountain Solar
6 no-build ever, which is our 0.64 and 0.124 mile buffer. So
7 we simply can't concede to that because there is no project
8 when we construct that.

9 COMMISSIONER MCALLISTER: Okay. Thanks for that.

10 COMMISSIONER GALLARDO: All right, would staff
11 I'd like to respond, as well, to that question?

12 MR. KNIGHT: Good afternoon. Eric Knight,
13 Manager of the Siting and Environmental Branch of the CEC
14 Siting Division.

15 I'd actually like to -- if, Ryan, if you could
16 open Chris Huntley's line? Chris Huntley is an Executive
17 Vice President with Aspen Environmental Group and he's the
18 biologist that we retained for the project and has been
19 working with California Department of Fish and Wildlife
20 well more than a year on this project, and you heard the
21 weekly calls that we had. So I heard some questions that I
22 think would be best coming from -- answered by a biologist,
23 your question, Commissioner McAllister, about feed behavior
24 and the --

25 COMMISSIONER MCALLISTER: (Indiscernible.)

1 MR. KNIGHT: -- and the fences, because there's
2 some nuances about the fences, so Chris knows that all very
3 well, so thank you.

4 MR. YOUNG: Mr. Huntley, your line should be
5 open.

6 MR. HUNTLEY: Yes, sir. Thank you. Can you
7 hear me okay?

8 MR. YOUNG: We sure can. Thank you.

9 MR. HUNTLEY: Good afternoon, Chair, Vice Chair
10 and Commissioners. I'm happy to answer any specific
11 question, but let me go back into a couple things, is the
12 proposed project would be fenced. There would be exclusion
13 fencing as Ms. Arkins said, around the solar arrays. And
14 there would be passages that are open between the various
15 projects for small mammals. We didn't want large mammals,
16 such as bighorn sheep, getting trapped between the arrays,
17 so there are fences.

18 Regarding bighorn sheep's propensity to be to
19 avoid people, structures, and other things, there's ample
20 evidence in the record to suggest bighorn sheep are nervous
21 around people. There's been studies indicating that they
22 increase their vigilance they change how they forage and
23 react. That is part of the reason why, working with CDFW,
24 we have adopted the quarter-mile buffer we've also adopted
25 construction monitoring. And really, the key thing is the

1 implementation of limited operating periods. And these
2 periods overlap with important sheep lambing areas where we
3 would have an even larger buffer where we would minimize
4 human contact with the sheep.

5 That said is there's also evidence that points
6 that sheep do acclimate to some degree to development.
7 They are moving close to the highway, they move in and
8 around quarries and other developed areas, so there is
9 potential for sheep to acclimate to some degree. We don't
10 know how close they will come to the structure but, again,
11 that's what the quarter-mile buffer was developed for, to
12 avoid that important forging and escape habitat.

13 COMMISSIONER MCALLISTER: Okay. Thanks a lot.
14 That answers my question and I appreciate that.

15 MR. HUNTLEY: Thank you.

16 COMMISSIONER GALLARDO: All right, no one else;
17 correct? Okay. Just wanted to make sure.

18 All right, so I'd like to next go to gratitude
19 because these Opt-In applications are a very heavy lift and
20 under very tight timelines, and they take a lot of
21 coordination.

22 So first to the public, we had about a dozen
23 commenters today and we have had several commenters
24 throughout the proceedings, I want to thank you all for
25 taking the time to make those comments today and throughout

1 the proceeding. And a special thank you, as well, to those
2 who expressed concerns, including about the big horn sheep,
3 that buffer, and other issues surrounding that.

4 I did get to see a big horn sheep, not on the
5 site visit I did to this proposed site, but elsewhere. I
6 was canoeing in Arizona and was able to see one. They are
7 majestic and beautiful, so I have nothing personal against
8 them. They were peering out in us and kept looking, so it
9 was an exciting opportunity.

10 So although folks may not agree with all of our
11 decisions here, I want to emphasize how much we respect all
12 of the opinions, the time, the insight, and the expertise
13 that's being shared with us. So when voices, especially
14 those that have concerns or are aware of issues with a
15 proposed project that we're considering, those are the ones
16 we take very seriously. They are very important to us
17 because we want to ensure that we're getting the full
18 spectrum of what's happening and are making the most
19 informed decision. And the staff, in particular, do
20 consider all of these comments that we receive, and they
21 are part of the record, and it makes our analysis better.

22 Some thank yous in particular to National Parks
23 Conservation Association. Neal Desai invited us to the
24 proposed site to get a different perspective of the area.
25 And I really appreciate, Neal, that you enabled Executive

1 Director Bohan and myself to be able to do that. That was
2 very helpful.

3 I also want to thank IBEW, Sierra Club, Desert
4 Mojave Land Trust, Friends of La Mirage, Wildlands Network,
5 Western Watersheds Project, Basin and Range Watch, Center
6 for Biological Diversity, Morongo Basin Conservation
7 Association, Desert Survivors, California Native Plant
8 Society, Amargosa Conservancy, California Desert Coalition,
9 CalWild Conservation Lands Foundation, Defenders of
10 Wildlife, Desert Advocacy Media Network, Friends of the
11 Amargosa Basin, Friends of the Inyo and Western Watersheds
12 Project, Baker Community Services District, and the Eastern
13 Kern County Resource Conservation District. Those are some
14 of the folks that provided comments to us. I wanted to
15 acknowledge them.

16 Next, I'd like to thank the staff and the
17 consultants that make all of this possible.

18 First, Lisa Worrall for providing an excellent
19 presentation and leading your team, and to the entire
20 siting team for all of their hard work to process this
21 application, which includes reviewing thousands of pages of
22 application materials, coordinating meetings in the Barstow
23 region, coordinating with local and other state entities,
24 consulting with tribes, and analyzing the project
25 description in over 20 separate technical categories, and

1 the additional requirements specific to the Opt-In
2 Certification Program, all to produce an over a thousand-
3 page analysis. It's heavy duty.

4 I would also like to thank our Executive
5 Director, Drew Bohan, who's known as the energy boss now,
6 and our STEPS Director, Regina Galer, and Deputy Director,
7 Dian Vorters, for all of their leadership, overseeing the
8 staff, and supporting them throughout.

9 And this work couldn't happen without our Chief
10 Counsel's Office, led by Sanjay Ranchod, who always provide
11 invaluable guidance, so deepest gratitude to Mariah Ponce,
12 Crystal Cabrera, Susan Cochran, and Jared Babula.

13 And this group, working together met that 270-day
14 milestone, which is worth noting, regardless of what the
15 decision is, and it's worth celebrating, given the staff's
16 heavy workload.

17 And I also would like to thank the Applicant, VC
18 Renewables, for their time and attention, and also their
19 responsiveness today and throughout the proceeding. That
20 makes a big difference to our analysis. And it is also
21 notable that the project that the staff has recommended is
22 not the project that VC Renewables originally brought to
23 the Energy Commission. So I do appreciate you were open-
24 minded to a project configuration that would minimize
25 impacts.

1 And also, major thanks to the state agencies,
2 like CDFW, who worked very closely with our staff, and the
3 local agencies, like San Bernardino County, who
4 collaborated on this effort.

5 Finally, my deepest gratitude to my team, and the
6 Chair's team as well. Our advisors are key to us being
7 able to get through these proceedings, and really
8 appreciate how much they've invested, Jimmy, Robert, and
9 Caroline in particular.

10 So in terms of some comments. In a perfect
11 world, proposed projects would not have any impacts to the
12 environment, to people, or to plant and animal species. If
13 that were the case, though, we would not need CEQA. We
14 might not even need the Energy Commission working.
15 However, it is inevitable that every project will have some
16 impact. And the Energy Commission reviews all applications
17 with integrity and analytic rigor to make sure we get the
18 best decision possible, even if it's not a perfect decision
19 liked by all. And in most cases, these decisions weighing
20 the potential impacts against the benefits of any given
21 project are difficult. We take the impacts very seriously,
22 and wouldn't approve projects that we would not want in our
23 own neighborhoods and in our own communities.

24 So that's what makes this job of being a policy
25 decision maker important. We have the opportunity to

1 select a direction for the state to take. But that's also
2 the tough part of being a policy decision maker; we have
3 the weight of that responsibility.

4 So here, according to staff's independent
5 analysis, and with the staff-recommended alternative, the
6 Soda Mountain Project will have impacts that we cannot
7 reduce to less than significant in only one category, the
8 visual resources, which still is important. And under the
9 staff-recommended alternative, we also need to balance the
10 project's impacts against its benefits, and some of those
11 local benefits include significant tax revenue to that
12 local jurisdiction, numerous construction jobs that will be
13 paid prevailing wages or more.

14 Finally, the project has two separate community
15 benefits agreements totaling over \$500,000, potentially and
16 hopefully with more agreements on the way. I'd like to
17 thank the Applicant for engaging with the community, and
18 also for going above and beyond the requirement of only one
19 agreement. And this meaningful investment for communities
20 is critical to ensuring that the benefits of clean energy
21 are shared across communities and makes the Opt-In Program
22 unique across this country.

23 We also have the reliability benefit that
24 supports the entire state. The Opt-In Program, including
25 this project, would help the state meet its need to build

1 out facilities to meet our mission of an 100 percent clean
2 energy future for all. And we are fighting for that future
3 because fossil fuels have polluted our environment for far
4 too long, adversely affecting our planet, wildlife, and
5 people. And I want to emphasize the people part because
6 there are people suffering from cancer, asthma, and who
7 have reduced life expectancies because they live next to or
8 near dirty fossil fuel power plants. That impacts their
9 health and also their opportunities for being able to have
10 opportunities for prosperity. And it impacts their safety,
11 as well, on a daily basis.

12 And I just want to share a stat. There are over
13 40 percent of the 64 fossil fuel power plants in California
14 located in disadvantaged communities. So those are the
15 residents and the people who are living in California who
16 are the most vulnerable to climate change and to poverty.
17 So we often focus on the what and the how and forget about
18 the why. With Opt-In, we're taking action to achieve that
19 100 percent clean energy future to keep the lights on
20 statewide in a clean way and to improve the health outcomes
21 for those in disadvantaged communities and all
22 Californians.

23 So weighing all of these considerations, I
24 believe this project's benefits outweigh the negative
25 impacts. And so for all those reasons, I encourage my

1 fellow Commissioners to follow the staff's recommendation
2 to vote to certify the Environmental Impact Report, approve
3 the environmentally-superior alternative for the Soda
4 Mountain Solar Project called the Big Horn Sheep, and
5 relocated BESS Alternative No. 2, and to approve the
6 override.

7 With that, I'll hand it back to you, Chair.

8 CHAIR HOCHSCHILD: Thank you so much.

9 Other comments, Vice Chair?

10 VICE CHAIR GUNDA: Thank you, Chair. And thank
11 you for the presentation.

12 I think these are really tough, tough decisions.
13 And Commissioner Gallardo, I just want to really associate
14 with the comments that you've just made. I kind of am
15 looking at the energy transition holistically. We are
16 simultaneously talking about, you know, transitioning our
17 electric grid from where we are today to 100 percent clean
18 energy resources by 2045. We're talking about reducing the
19 dependency on the petroleum fossil fuels from where we are
20 today to negligible in the next 20 years. And we are
21 talking about, you know, natural gas decarbonization, and
22 electrifying buildings and the fuel substitution.

23 This is a massive transition that we are going
24 through. And this transition is not going to be perfect.
25 And it's going to be a number of trade-offs that, you know,

1 staff, the Commission, and all the representatives and
2 colleagues and stakeholders have to consider deliberately
3 on how we move from here to 2045 and beyond.

4 One of the things that I look to as the charter
5 for the Energy Commission is not to eliminate the impacts,
6 unfortunately, of anything. It's to really reduce,
7 mitigate and figure out the cost benefit analysis of each
8 of the projects we consider. I do not have -- and I'm not
9 a lead commissioner on this. And, you know, we look to
10 staff and their expertise and the process and the integrity
11 of the process as the main part of this decision making.

12 And, you know, Commissioner Gallardo, to your
13 points, I think the staff have taken, you know, as
14 carefully as possible all the different perspectives to
15 consider and put a recommendation in front of the
16 Commission. Again, for me, these are about figuring out
17 how do we move forward with the clean energy transition we
18 are hoping for.

19 I want to recognize that we are currently
20 completing the SB 100 analysis to be putting out the next
21 report. We are talking about another 3 million acres of
22 development in California. California is about 100
23 million-acre state. We have about 6 to 7 million acres
24 that's currently developed, you know, for residential,
25 commercial, everything we do today, and then we're talking

1 about adding another 3. And this is going to be really
2 hard, no matter where you do this. You're talking about
3 simultaneously prioritizing land, labor, economy,
4 decarbonization, environment. And this is not going to be
5 a perfect solution. And we need to consider all those
6 tradeoffs carefully.

7 One thing I heard from one of the commenters was
8 they felt like this was a preordained decision. And I
9 think that's really unfortunate. We do not want to be
10 there. If stakeholders stop coming to the process,
11 believing that they cannot impact the process and their
12 voices are not heard, that process has lost trust, and
13 that's not a legitimate process.

14 So I hope that people who have a certain point of
15 view that, you know, are having to leave today with
16 disappointment, to recognize that this is a very carefully
17 vetted and balanced decision. And I really hope that those
18 voices continue to keep us accountable and move us into
19 decision making that creates these tradeoffs be as much of
20 a win-win-win situation.

21 So with that, I associate myself with what
22 Commissioner Gallardo mentioned, and I'm looking forward to
23 supporting this project.

24 CHAIR HOCHSCHILD: Thank you. Commissioner
25 McAllister?

1 COMMISSIONER MCALLISTER: Thanks, Commissioner
2 Gallardo. And thanks, Vice Chair Gunda. I would not
3 repeat but support your comments.

4 You know, I really have been impressed with the
5 Opt-In process and the rigor of it. It is, you know, it's
6 definitely not cutting corners. It's, if anything, it's,
7 you know, being super assiduous, even though it is on a
8 compressed timeframe. So lots of challenges to get through
9 that. And I really appreciate Sanjay, our CCO, and Drew as
10 well, to really leaning into to getting the process, you
11 know, keep maintaining the rigor of the process, but still
12 responding to the timeframes that are required under Opt-
13 In.

14 And adding a little bit to what Vice Chair Gunda
15 just said about the, you know, looking at our clean energy
16 transition in an integrated way, you know, we have to take
17 a broader view, and there are a lot of moving parts, and we
18 have to try to keep them all in sight. And I would point
19 out, we're doing a lot to avoid the need for large scale
20 supply on the demand side, trying to manage the consumption
21 of energy with energy efficiency, with load flexibility, to
22 taking most advantage of the system that we have today.

23 And projects like this, you know, while they're,
24 you know, they're maybe not going to, you know, not going
25 to satisfy all the people all the time, they do take

1 advantage of existing infrastructure and, and sort of in a
2 strategic way. And, you know, given that there are sort of
3 no perfect sites left in the state, these tradeoffs are
4 going to emerge more and more.

5 And, and so I think the process allows us to be
6 thoughtful. I really trust the staff work that is across
7 the board looking at dozens of different issues in any
8 given siting case, with real care, and professionalism, and
9 social meritortice (phonetic). And if we don't have it in
10 house, we bring it in. And I think that process does work.

11 And I would just, I will support this project. I
12 think, you know, we need -- California has to lead, and we
13 have to demonstrate the process to lead. And, you know,
14 it's not always going to be the perfect outcome for
15 everybody. But directionally, this is the right thing to
16 do and I support the project.

17 So I want to lift up Commissioner Gallardo for
18 all the work on Opt-In, and the whole team that you've
19 mobilized to do that in a way that really does meet the
20 intent of the legislation, so thanks.

21 CHAIR HOCHSCHILD: Thank you, Commissioner. And
22 just to add my thanks, this is the third Opt-In project to
23 receive a vote at the Energy Commission. I do want to note
24 it is on time. I really want to thank the staff for all
25 the heavy lifting. And just to highlight, you know, we

1 personally visit every single project site and go toward
2 the site, meet with the community, hear comments.

3 You know, there is -- there are impacts from
4 every form of energy generation, including renewables. And
5 I do want to acknowledge that. And there's impacts to not
6 doing projects in terms of the impacts from emissions. And
7 all these things have to be weighed.

8 I just really want to thank you, Commissioner
9 Gallardo, for your careful, deliberate process and the
10 diligence that you have shown as our Lead Commissioner on
11 Siting. So happy to support you and support the staff.

12 And with that, I'd welcome a motion on item six.

13 COMMISSIONER GALLARDO: Thank you, Chair and
14 Commissioners. I move to approve the revised proposed
15 order docketed this morning on the business meeting web
16 page for Item No. 6, the Opt-In certification for the Soda
17 Mountain Solar Project.

18 CHAIR HOCHSCHILD: Is there a second from the
19 Vice Chair?

20 VICE CHAIR GUNDA: I second the item.

21 CHAIR HOCHSCHILD: All in favor say aye.
22 Commissioner Gallardo?

23 COMMISSIONER GALLARDO: Aye.

24 CHAIR HOCHSCHILD: Vice Chair Gunda?

25 VICE CHAIR GUNDA: Aye.

1 CHAIR HOCHSCHILD: Commissioner McAllister?

2 COMMISSIONER MCALLISTER: Aye.

3 CHAIR HOCHSCHILD: And I vote aye as well. Thank
4 you.

5 With that, colleagues, would you -- it's 1:07.
6 we could take a short break and then conclude, we don't
7 have much longer, or we could just power through.

8 COMMISSIONER MCALLISTER: Why don't we just power
9 through?

10 CHAIR HOCHSCHILD: Power through? Okay, let's
11 just continue. Thank you, everyone.

12 We'll continue now with Item 7, Lead Commissioner
13 and Presiding Member Reports.

14 Commissioner McAllister, why don't we start with
15 you?

16 COMMISSIONER MCALLISTER: Great. So, so much
17 going on, just, I'll hit the highlights.

18 But last week, of course, was as Climate Week, I
19 think maybe there's still some stuff happening. And then
20 the week before that was Heat Pump Week, which I have to
21 bring up. I think probably I'm the only one who will bring
22 that up. But Heat Pump Week was also tremendous. And in
23 Climate Week, there was a three-day thing on the front end
24 called Accelerating the Transition, that I think
25 Commissioner Skinner, as well, attended, I'm not sure --

1 VICE CHAIR GUNDA: Yes.

2 COMMISSIONER MCALLISTER: -- and Vice Chair Gunda
3 as well. So that was a kind of a really a Who's Who over
4 the three days and got to share some time with Amory
5 Lovins, which is always nice, and I think it was a good
6 kickoff to Climate Week. And it seemed like Climate Week
7 had really good vibes this year, like it seemed bigger and
8 more kind of robust. And maybe that's just because
9 California is more in the lead or more sort of the face of
10 actually dealing with climate change. And SF Climate Week
11 sort of had more salience this year.

12 And so anyway, another event during the course of
13 SF Climate Week was gathering that the Consulate of Denmark
14 together, so that was amazing. They really brought
15 together a great group to talk about our collaboration and
16 kind of speculate a little bit about where it might go in
17 the years ahead. So really excited about that,
18 particularly leaning into industrial and other work
19 together. Always just amazed by the progressive sort of
20 collaboration that Denmark just puts into practice. And we
21 really get a lot of that collaboration.

22 On Heat Pump Week, it just happened to coincide
23 with the meeting of the AHRI. That's the American --
24 Association of Heating and Refrigeration Industry. And so
25 a lot of staff was able to interact quite a bit with AHRI

1 and members and speak at their two day event while they
2 were walking the halls of the Capitol, so that's always
3 good. And I just got to commend the Building
4 Decarbonization Coalition for all the events they put
5 together across the state during the course of Heat Pump
6 Week.

7 And just kind of reporting, you know, grosso
8 modo, the heat pump market is accelerating. And it's, you
9 know, we're hearing from the OEMs that they're selling more
10 units into California and that they are feeling like the
11 marketplace is growing. And, you know, hard to correlate
12 that with actual, the Heat Pump Partnership and all the
13 efforts there, but there's got to be some correlation.

14 So really appreciate the Chair's leadership there
15 and happy to pitch in. And we have a bunch of great staff,
16 you know, Ram Narayanamurthy and Will Vicent, Mike Sokol,
17 the whole team in the Efficiency Division is really leaning
18 into all of the work around growing the heat pump market
19 and understanding the heat pump market and counting the
20 units that get sold into the state so we can know if we're
21 meeting our six million heat pump goal by 2030. So that's
22 great.

23 Another thing that went on during Heat Pump Week,
24 not totally related, but there's a lot of industrial work.
25 I mentioned the Denmark work that we're doing. But there

1 are two new activities. One's funded by CEC that's kicking
2 off on industrial decarbonization, and then also a federal
3 grant that Berkeley Lab and a bunch of partners brought in
4 on industrial ag and water.

5 And so I think it's really great to see us moving
6 into that sphere because it's really been -- industrial has
7 been hard for us to engage with as an agency, and just
8 because each facility is kind of unique and needs a bespoke
9 approach, it can need a bespoke approach. And so I think
10 finding ways to work productively with industry and feeling
11 out kind of where we can work with multiple industries at
12 once, but really being open to supporting individual
13 industries in their decarbonization transition, helping
14 them justify taking, you know, facilities offline and
15 making relatively large investments in CapEx is a challenge
16 for them, and I think we need to kind of meet them where
17 they are. But a lot of good work going on to develop best
18 practices and understand the technologies and help get the
19 cost down.

20 And finally, I think I'll just mention, I mean, a
21 few weeks ago, I think the week before Heat Pump Week, my
22 Chief of Staff Bryan and I and Payam Bozorgchami from the
23 Efficiency Division made a trip down to CSU Bakersfield.
24 And I had never been to that campus before. It was like, I
25 couldn't believe it, but it's true. And they are doing --

1 they have this California Energy Research Center. They
2 have an Energy Research Center at that campus and a bunch
3 of students that are doing really cool work across the
4 board, from oil and gas, all the way through renewables
5 and, you know, even building management and a ton of
6 different -- you know, many different themes.

7 So I was really impressed with the leadership
8 there and definitely going to hook their provost and sort
9 of the right faculty up with, you know, our recruiter to
10 get some graduates from that program into the Energy
11 Commission.

12 So I was really impressed with the vision there
13 and understood, in a way I had not, that that campus is a
14 real pillar of the community. It's kind of, it's really,
15 the only college, you know, university college in that town
16 in Bakersfield. And so it really plays a broad-based
17 supportive role for that community that's really vital in
18 that part of the world.

19 So I think I'll stop there, but just lots going
20 on. And I feel like California is getting a lot of phone
21 calls now and we're all -- I'm traveling a ton, and I know
22 all of us are under -- we have lots of opportunities to
23 travel, and I think it just means that our role is kind of
24 more important than ever in showing the way and making sure
25 that we're being inclusive and making sure all Californians

1 benefit. So I really appreciated the opportunity to do
2 that in the last few weeks.

3 CHAIR HOCHSCHILD: Thank you, Commissioner.
4 Vice Chair?

5 VICE CHAIR GUNDA: Thank you, Chair. Thanks,
6 Commissioner McAllister. I want to point out a few --
7 update a few things.

8 One, I was also able to be at the event, the
9 Accelerating the Transition event. My specific
10 participation was in data centers and how do we grow them
11 sustainably. A lot of interesting ideas all the way from
12 understanding the demand forecasting better and reducing
13 the costs on the grid and, you know, having stranded assets
14 on the grid. So a great conversation.

15 I want to provide quick updates on SB 100 as the
16 Commission has been focused on landing this report.
17 Thanks, Chair, to your office, Raja Ramesh, who's here from
18 our office. I think we are pretty close to landing the
19 draft report and then once it goes through we will be
20 having, I think, potentially a month-long public comment
21 period and then we'll finalize the report. So we're
22 getting pretty close. We recognize a huge delay on the SB
23 100 report.

24 I want to kind of recognize the efforts that
25 Commissioner McAllister and our office has been working on

1 in terms of demand flexibility, continuing to press forward
2 on that. As Commissioner McAllister pointed out, his
3 office is taking a lead on figuring out how to really
4 define the taxonomy of what demand flexibility actually
5 means in the modern context, working on how demand
6 forecasting could be better adjusted with the demand
7 modifiers. So just flagging, those are active
8 conversations that is not visible every day, but a lot of
9 work going on behind the scenes.

10 I want to provide a quick update on summer
11 reliability. We have a workshop coming up early May on
12 summer reliability, our annual summer outlook. If the
13 Commissioners are able to join, that would be a good one to
14 kind of go over. We'll have the full readout on the summer
15 conditions. But basically, I think, going into the summer
16 we are looking, as we always say, cautiously optimistic.
17 As the Chair mentioned, we haven't had a Flex Alert the
18 last three years. We're working really hard on keeping it
19 that way. A lot of resource additions on the grid, you
20 know, over 30,000 megawatts of added resources under the
21 grid since 2019, over 15,000 megawatts in bulk storage,
22 just significant additions which is helping us keep the
23 system reliable.

24 I want to uplift our Comms Teams and Leg Teams.
25 They have been front on just the -- all sorts of stuff,

1 especially the war in Iran, just wanted to flag the amount
2 of work they're having to do, along with the divisions.

3 A quick flag. As I mentioned during the last
4 meeting, CEC is not able to have a kind of a solid forecast
5 for three months like we typically used to have. We used
6 to be able to project three months out. Now we have
7 adjusted our timeline to six weeks and kind of, on an
8 ongoing basis, track that. We are still feeling cautiously
9 optimistic and comfortable over the six weeks. The
10 inventories in the West Coast, the PAD 5, looks pretty
11 comfortable. So at this point, at least, the CEC staff do
12 not have concern about running out of fuel, but we are
13 watching the prices closely.

14 That's all I have.

15 CHAIR HOCHSCHILD: Thank you.

16 Commissioner Gallardo?

17 COMMISSIONER GALLARDO: I do not have a full
18 report today. Did have a very robust Climate Week, and
19 also felt that positivity that Commissioner McAllister
20 uplifted.

21 I just want to say, Commissioner McAllister, if
22 you do have that contact at CSU Bakersfield and want to
23 share, I would love to take, you know, more fellows into my
24 office, so would be willing to partner up with you on that.

25 COMMISSIONER MCALLISTER: (Off mic.) Sure.

1 COMMISSIONER GALLARDO: All right. Thank you,
2 Chair.

3 CHAIR HOCHSCHILD: Yeah, I'll be brief. It's
4 been a long meeting, but I did have a really full Climate
5 Week. I think I probably gave eight or ten speeches and
6 one of them was with former Energy Secretary Jennifer
7 Granholm at a company we've supported called Tandem PV in
8 Fremont, opening a new factory. They have achieved nearly
9 30 percent conversion efficiency on a solar cell. I nearly
10 fell out of my chair when I saw that number. That's a
11 very, very significant number. This is with Perovskite,
12 which is a new technology that kind of does enhanced
13 silicon generation. It just really builds momentum for the
14 future of solar. So great to see us, you know, continue to
15 push innovation in solar.

16 And then the other thing I just will observe as a
17 trend happening globally, I do think that President Trump's
18 war with Iran is actually undermining his war on electric
19 vehicles and renewables. The growth of demand for EVs and
20 renewables these last few months with the price shocks that
21 we're seeing, there was an interesting article in *Financial*
22 *Times* about all these tipping points happening on electric
23 vehicle sales, of course, China now getting to 60 percent
24 of their vehicle sales being electric. These are trends I
25 don't think can be reversed. And obviously they're

1 happening in a more pronounced way outside the United
2 States, but they're going to affect, you know, the entire
3 global market.

4 I did want to just close with one little bit of
5 good news. Some of you know I teach a course on the side
6 at UC Berkeley. I was able to work with a donor who's
7 going to provide a million-dollar gift to support paid
8 summer fellowships for UC Berkeley graduate students to
9 come work in public agencies on climate renewables and so
10 forth, like we've had this very successful program with
11 Stanford, which now has, you know, 21 Shultz Fellows. So
12 something like that is going to be going to be launching
13 with UC Berkeley this next year, so really happy.

14 It's been really a wonderful experience. I think
15 all of us have had some of the Stanford summer fellows in
16 our offices and many of them, like Terra Weeks and others,
17 have gone on to become staff. And so it's a really
18 important pipeline of talent into all of our agency and
19 that of our sister agencies.

20 So with that --

21 COMMISSIONER GALLARDO: Chair --

22 CHAIR HOCHSCHILD: Yes?

23 COMMISSIONER GALLARDO: -- what would help is if
24 those programs were longer. They're --

25 CHAIR HOCHSCHILD: Yes.

1 COMMISSIONER GALLARDO: -- so great and --

2 CHAIR HOCHSCHILD: Yes.

3 COMMISSIONER GALLARDO: -- and we lose them so
4 quickly.

5 CHAIR HOCHSCHILD: Kelsey is the first one to do
6 a one-year paid fellowship postgraduate, and I think that's
7 what we got to drive toward.

8 So with that, let's go to Executive Director's
9 Report.

10 MR. BOHAN: Thank you, Chair. Two quick things.

11 First, thank you for acknowledging Spencer Reeder
12 this morning. We're very delighted to have him. This is
13 week two, so he's very, very new.

14 And second, I wanted to introduce and probably
15 embarrass my dear friend, Gigi Hall, whose parents I'm dear
16 friends with and who is contemplating law school. And she
17 called me a couple weeks ago and said, can I shadow you for
18 the day? So we picked this business meeting today to have
19 her come in. In addition to being a great person, she
20 played college-level soccer and plays for the Panama
21 National Team.

22 COMMISSIONER GALLARDO: Wow.

23 COMMISSIONER MCALLISTER: Wow.

24 CHAIR HOCHSCHILD: Wow. Incredible.

25 MR. BOHAN: Thanks.

1 CHAIR HOCHSCHILD: My condolences. You have to
2 follow Drew around for a day.

3 So Public Advisor's Report.

4 MR. YOUNG: No reports today, Chair, just thanks
5 again for administering my office. It was really special.

6 CHAIR HOCHSCHILD: My pleasure.

7 Chief Counsel's Report?

8 All right, we're adjourned. Thanks, everybody.

9 (The meeting adjourned at 1:21 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May, 2026.



MARTHA L. NELSON, CERT**367

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

May 15, 2026