

| <b>DOCKETED</b>         |                                             |
|-------------------------|---------------------------------------------|
| <b>Docket Number:</b>   | 25-RULE-01                                  |
| <b>Project Title:</b>   | Amendment to Definition of Related Facility |
| <b>TN #:</b>            | 272320                                      |
| <b>Document Title:</b>  | Notice of Approval of Regulatory Action     |
| <b>Description:</b>     | N/A                                         |
| <b>Filer:</b>           | Ngoc Tran                                   |
| <b>Organization:</b>    | California Energy Commission                |
| <b>Submitter Role:</b>  | Commission Staff                            |
| <b>Submission Date:</b> | 9/3/2026 11:46:34 AM                        |
| <b>Docketed Date:</b>   | 9/3/2026                                    |

**State of California  
Office of Administrative Law**

**In re:**  
**California Energy Commission**

**Regulatory Action:**

**Title 20, California Code of Regulations**

**Adopt sections:**

**Amend sections: 1201**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2026-0724-01**

**OAL Matter Type: Regular (S)**

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In this rulemaking action, the California Energy Commission (CEC) defines an "appurtenant facility" and amends the definition of "related facility" for regulations governing CEC's certification of powerplant projects and amendments to existing powerplant certifications.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 9/1/2026.

**Date: September 1, 2026**



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**Jenifer Ryan  
Senior Attorney**

**For: Kenneth J. Pogue  
Director**

**Original: Drew Bohan, Executive Director  
Copy: Ross Daley**

## NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

STD. 400 (REV. 10/2019)

**REGULAR**

For use by Secretary of State only

|                                                                  |                                             |                                                  |                  |
|------------------------------------------------------------------|---------------------------------------------|--------------------------------------------------|------------------|
| OAL FILE<br>NUMBERS                                              | NOTICE FILE NUMBER<br><b>Z-2026-0305-02</b> | REGULATORY ACTION NUMBER<br><b>2026-0724-015</b> | EMERGENCY NUMBER |
| OFFICE OF ADMINISTRATIVE LAW<br><br><b>Electronic Submission</b> |                                             | OFFICE OF ADMIN. LAW<br>2026 JUL 24 PM12:08      |                  |
| REC'D DATE<br>03/05/2026                                         |                                             | PUBLICATION DATE<br>03/20/2026                   |                  |
| NOTICE                                                           |                                             | REGULATIONS                                      |                  |

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

SEP 01 2026

2:27 pm

NM

|                                                                  |                                           |
|------------------------------------------------------------------|-------------------------------------------|
| AGENCY WITH RULEMAKING AUTHORITY<br>California Energy Commission | AGENCY FILE NUMBER (If any)<br>25-RULE-01 |
|------------------------------------------------------------------|-------------------------------------------|

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

|                                                                                                                                                                        |  |                                        |                                |                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------|--------------------------------|--------------------------------------------|
| 1. SUBJECT OF NOTICE<br>Amendments to Related Facility Definition                                                                                                      |  | TITLE(S)<br>20                         | FIRST SECTION AFFECTED<br>1201 | 2. REQUESTED PUBLICATION DATE<br>3/20/2026 |
| 3. NOTICE TYPE<br><input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other                                              |  | 4. AGENCY CONTACT PERSON<br>Ross Daley |                                | TELEPHONE NUMBER<br>(916) 980-7949         |
| FAX NUMBER (Optional)                                                                                                                                                  |  | NOTICE REGISTER NUMBER<br>2026, 12-2   |                                | PUBLICATION DATE<br>3/20/26                |
| OAL USE ONLY<br><input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn |  |                                        |                                |                                            |

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

|                                                                                         |                                                          |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------|
| 1a. SUBJECT OF REGULATION(S)<br>Definition of Appurtenant Facility and Related Facility | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------|

|                                                                                                           |                                                    |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if notice related) | ADOPT<br>REQUEST<br>JR<br>PER AGENCY REQUEST<br>JR |
| SECTION(S) AFFECTED<br>(List all section number(s) individually. Attach additional sheet if needed.)      | AMEND<br>1201                                      |
| TITLE(S)<br>20                                                                                            | REPEAL                                             |

|                                                                                                                     |                                                                                                                                                                                                                                                                             |                                                                                             |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 3. TYPE OF FILING                                                                                                   |                                                                                                                                                                                                                                                                             |                                                                                             |
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)                                           | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))                         |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)                                                                                                                                                                     | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))                                                         | <input type="checkbox"/> File & Print                                                                                                                                                                                                                                       | <input type="checkbox"/> Print Only                                                         |
| <input type="checkbox"/> Other (Specify) _____                                                                      |                                                                                                                                                                                                                                                                             |                                                                                             |

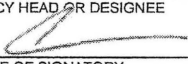
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

|                                                                                                     |                                                                                 |                                                                                                                           |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)    |                                                                                 |                                                                                                                           |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____ |

|                                                                                                                                |                                                              |                                             |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------------------------------|
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY |                                                              |                                             |
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)                                                     | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____                                                                                 |                                                              |                                             |

|                                        |                                         |                       |                                                              |
|----------------------------------------|-----------------------------------------|-----------------------|--------------------------------------------------------------|
| 7. CONTACT PERSON<br><b>ROSS DALEY</b> | TELEPHONE NUMBER<br><b>916-980-7949</b> | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional)<br><b>ross.daley@energy.ca.gov</b> |
|----------------------------------------|-----------------------------------------|-----------------------|--------------------------------------------------------------|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

|                                                                                                                             |                       |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE<br> | DATE<br>July 10, 2026 |
| TYPED NAME AND TITLE OF SIGNATORY<br>Drew Bohan, Executive Director                                                         |                       |

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

SEP 01 2026

Office of Administrative Law

## EXPRESS TERMS

**California Code of Regulations**  
**Title 20. Public Utilities and Energy**  
**Division 2. State Energy Resources Conservation and Development Commission**  
**Chapter 2. Rules of Practice and Procedure**  
**Article 2. General Provisions Applicable to All Commission Proceedings**

Proposed new language appears as underline (example) and proposed deletions appear as ~~strikeout~~ (~~example~~). Existing language appears as plain text. Three dots or "... " represents the substance of the regulations that exists between the proposed language and current language.

### **§1201. Definitions.**

...[Skipping subdivisions (a) through (b)]

(c) (1) "Appurtenant facility" means any equipment, structure, or accessory that is:

(A) on the same site as, or physically connected to, a related facility, and

(B) operated in coordination with or necessary for the operation of the related facility, including but not limited to, transmission and fuel lines up to the first point of interconnection, water intake and discharge structures and equipment, access roads, storage sites, switchyards, and waste disposal sites.

(2) For the purposes of the commission's certification jurisdiction under Chapters 6 and 6.2, Division 15, of the Public Resources Code:

(A) exploratory, development, and production wells, resource conveyance lines, and other related equipment used in conjunction with a geothermal exploratory project or geothermal field development project, and the thermal host of a cogeneration facility, are not related facilities, nor facilities appurtenant to related facilities, and

(B) a data center served by a thermal powerplant or a facility as the term is defined in Public Resources Code section 25545(b), is not an appurtenant facility. Except, any equipment conveying electricity to the data center would be appurtenant if it meets the definition provided in this subsection (c).

... [Amending subdivision sequencing as follows to account for addition of (c)]

*"Appurtenant facility" above: (cd), (de), (ef), (fg), (gh), (hi), (ij), (jk), (kl), (lm), (mn), (no), (op), (pq) ]*

(q r) "Related facility" means a thermal powerplant or, electric transmission line subject to an application submitted under the commission's exclusive certification authority under Chapter 6 of Division 15 of the Public Resources Code, or a facility as that term is defined

in Public Resources Code section 25545(b) for applications submitted under the commission's authority under Chapter 6.2. ~~any equipment, structure, or accessory dedicated to and essential to the operation of the thermal powerplant or electric transmission line. These facilities include, but are not limited to, transmission and fuel lines up to the first point of interconnection, water intake and discharge structures and equipment, access roads, storage sites, switchyards, and waste disposal sites. Exploratory, development, and production wells, resource conveyance lines, and other related equipment used in conjunction with a geothermal exploratory project or geothermal field development project, and, absent unusual and compelling circumstances, the thermal host of a cogeneration facility, are not related facilities.~~

. . . [Amending the subdivision sequencing as follows to account for addition of (c) "Appurtenant facility" above: (~~rs~~), (~~st~~), (~~tu~~), (~~uv~~), (~~vw~~), (~~wx~~) ]

Note: Authority cited: Sections 25213, 25218(e) and 25541.5, Public Resources Code.  
Reference: Sections 21061.1, 25120, 25214, 25502, 25519, 25540, 25540.1, 25540.2, and 25541.5, 25545, and 25545.1, Public Resources Code.