

DOCKETED

Docket Number:	26-OIR-04
Project Title:	Emergency Rulemaking Amending the Opt-In Regulations
TN #:	273048
Document Title:	Ruthie Brock Comments - Comments on Emergency Rulemaking for Opt-In
Description:	N/A
Filer:	System
Organization:	Ruthie Brock
Submitter Role:	Public
Submission Date:	10/5/2026 4:42:41 PM
Docketed Date:	10/5/2026

*Comment Received From: Ruthie Brock
Submitted On: 10/5/2026
Docket Number: 26-OIR-04*

Comments on Emergency Rulemaking for Opt-In

Additional submitted attachment is included below.

October 5, 2026

CEC Commissioners and Staff
California Energy Commission

Comments on Emergency Rulemaking Amending the Opt-In Regulations

Dear Commissioners and CEC Staff,

As a resident of Acton, in the small, unincorporated area of North LA County, I wish to comment on the proposed new language provided in the CEC's Express Terms. This language serves to incorporate changes to the Opt-In Program created by AB205 and now required by SB254 and SB283.

My comments will appear below in ***bold underlined italic***.

§1876.5 (b) Staff shall invite the local government(s) that would have had permitting authority over the site and related facilities, but for chapter 6.2 up division 15 of the public resources code, and may invite other relevant state and federal agencies, California native American tribes ***and Local advisory groups or their authorized representative(s) in any Unincorporated areas which are project host communities*** to participate in the meeting(s) held pursuant to subdivision (a).

§ 1879.5 Community Benefits Agreements

(d) The commission shall consider the number of agreements and diversity of benefits to be provided to local ***and host*** communities when consider considering whether to approve the project .

(g) In order to fulfill requirements of the public resources code section 25545.10, executed community benefit agreement(s) must also include at least one direct benefit to the project's host community in unincorporated areas.

20 CCR Div. 2 Ch. 5 App. B

**Appendix B information requirements for an Application for Certification (AFC)
Opt-In, or Small Power Plant Exemption (SPPE).**

(4) Site control for Opt-In projects

(i) Written proof of site control evidencing sufficient real property rights ***through recorded grant deed(s)*** to currently access, construct, and operate the proposed project site, gen-tie line, and all ancillary elements of the proposed project.

(b) Project Description

(1) in a section, entitled, "Generation facility, description, design, and operation" provide the following information:

....[Skipping subsection (A)- (D)]

(E) Additional Opt-In Requirements for Battery Energy Storage System (BESS) Applications
[Skipping (i), (a)-(b)]

(ii) Identify the selected BESS battery technology, including the specific manufacturer(s), make and model. If the manufacturer is not yet finalized, provide a list of qualified manufacturers that are suitable for the project **and included in approved list by the Department of Energy as required under Executive Order 14420.**

(iii) A description of **all** failure incidents involving at least one enclosure within the last five years of the selected BESS battery manufacturer at a single facility, and a complete description of the proposed measures to prevent failure incidents for the proposed project

(9) Public Health

[skipping sections (A)-(E)]

(F)

[skipping (i)-(ii)]

(iii) Compare the model BESS thermal runaway/fire-related TACs concentrations to appropriate health-based exposure thresholds, including the U.S.EPA Acute Exposure Guideline Levels (AEGL), **Recommended Exposure Limits (REL)**, and Emergency Response Planning Guidelines (ERPGs) thresholds, And demonstrate whether the acute hazard index (HI) of TACs would be higher than the significance threshold of 1.0 at sensitive receptors.

(11) Worker safety/ Fire Protection

[skipping subsection (A) -(C)]

(D) Additional opt in requirements Battery Energy Storage System Applications

[skipping (i)- (iii)]

(iv) A narrative demonstrating that the applicant has contacted the local emergency responding agency and informed the agency of the proposed project and it's **water resource availability and obtained local fire agency's determination of adequacy.**

Thank you for the opportunity to provide comment on the Emergency Rulemaking.
Ruthie Brock, Acton CA

