

DOCKETED

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***DIRECTION TO EXECUTIVE
DIRECTOR IN RESPONDING TO
COVID-19 PANDEMIC RELATED TO
POWER PLANT LICENSING AND
COMPLIANCE***

Docket No. 20-BUSMTG-02

**ORDER AUTHORIZING EXECUTIVE
DIRECTOR ACTION**

The California Energy Commission's (CEC) Executive Director and the Deputy Director of Siting, Transmission, and Environmental Protection Division have existing authority, under the CEC's regulations and facility conditions of certification, to take actions to resolve issues that arise within CEC's power plant siting and compliance program. These actions include but are not limited to, extending the timelines that facilities have to submit reports and studies, approving certain changes in the design, operation or performance of a facility, and approving conforming changes to air quality conditions of certification to reflect changes to air district permits.

This Order directs the Executive Director and the Deputy Director of Siting, Transmission, and Environmental Protection Division to take necessary and appropriate proactive steps, in light of the COVID-19 pandemic, to support the State's critical energy generating infrastructure. Such steps include but are not limited to the following:

- 1) Prioritize and expedite the review and processing of critical facility amendments, related to the impacts of COVID-19, filed under Title 20, California Code of Regulations, section 1769, and the processing of small power plant exemptions filed under Title 20, California Code of Regulations, section 1936;
- 2) Delay, suspend, or extend deadlines for licensed facilities to provide required submissions, as well as to provide flexibility in how submissions are transmitted to the CEC;
- 3) For facilities either operating or undergoing commissioning activities, after consultation with the siting lead commissioner, defer compliance of power plant conditions of certification, when such compliance is impractical due to the COVID-19 pandemic, provided the delayed compliance does not violate a law, regulation or standard; and
- 4) Find temporary measures to be taken by facility owners to protect worker and public health, or ensure facility reliability, are not a change in facility operations,

design or performance and do not require the filing of a post certification petition under Title 20, California Code of Regulations, section 1769.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: LINDEN UNIFIED SCHOOL DISTRICT

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Amendment 1 to Agreement ARV-19-051 with Linden Unified School District to: 1) increase the number of all-electric school buses and supporting infrastructure from one to two, 2) increase the total award amount by \$393,909, 3) modify bus specifications; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: DOE-NATIONAL RENEWABLE ENERGY LABORATORY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Amendment 4 to Agreement 600-15-001 with with the U.S. Department of Energy's National Renewable Energy Laboratory to add Task 10, titled High Power Charging for Commercial Vehicles, to perform functional evaluations of charging systems to support interoperability among multiple vehicle and equipment manufacturers deploying charging infrastructure in California; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldfrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: FRANKLIN ENERGY SERVICES/BUILD IT GREEN

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Amendment 3 under Agreement EPC-15-097 for a novation substituting Franklin Energy Services, LLC for Build It Green. Build It Green recently sold the portion of its business performing EPC-15-097 to Franklin Energy Services, LLC. All aspects of the grant project including the project team, scope of work, project schedules, deliverables, budget, and terms and conditions will remain the same; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: ADVANCED MICROGRID SOLUTIONS, INC. / MAZZETTI, INC

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Amendment 3 from Agreement PIR-16-004 for a novation replacing Advanced Microgrid Solutions, Inc. with Mazzetti, Inc. Advanced Microgrid Solutions, Inc. withdrew from the project and Mazzetti, Inc. is a major subcontractor on the project. There are no changes to the scope of work. This \$1,216,707 grant funds the demonstration of an efficient, advanced air distribution design approach that will reduce natural gas use; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

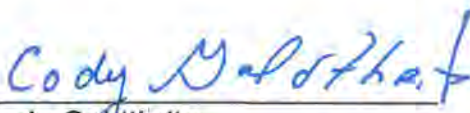
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AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**2019 BUILDING ENERGY EFFICIENCY
STANDARDS, CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PARTS
1 AND 6**

Docket No. 13-ATTCP-01

**RESOLUTION OF THE CALIFORNIA ENERGY COMMISSION
APPROVING THE CALIFORNIA STATE PIPE TRADES COUNCIL'S PROPOSED
MECHANICAL ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER
UPDATES FOR THE 2019 BUILDING
ENERGY EFFICIENCY STANDARDS**

WHEREAS, Section 10-103.2(d) of the *2019 Building Energy Efficiency Standards* (Energy Code) requires mechanical acceptance test technician certification providers (ATTCPs) to report to the California Energy Commission (CEC) what adjustments have been made to the training curricula to address changes reflective of the variety of mechanical systems that are currently encountered in the field, changes to mechanical acceptance testing requirements, or adopted updates to the Energy Code; and

WHEREAS, the 2019 Energy Code, California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10, are in effect as of January 1, 2020; and

WHEREAS, the California State Pipe Trades Council (CSPTC) submitted the update report required by Section 10-103.2(d) of the 2019 Energy Code to the CEC; and

WHEREAS, CEC staff reviewed the CSPTC 2019 update report and determined that the proposed training curricula adjustments meet the requirements in Section 10-103.2(c) of the 2019 Energy Code; and

WHEREAS, the executive director of the CEC provided a written recommendation describing the review and validation of the CSPTC 2019 update report by CEC staff and recommending approval of the proposed training curricula adjustments and application amendments; and

WHEREAS, the CEC has considered the executive director's recommendation, all written comments submitted, oral comments made at today's business meeting, and CEC staff's responses to all comments on this matter.

THEREFORE BE IT RESOLVED, that the CEC finds that the training curricula adjustments and application amendments proposed by CSPTC meet the requirements in Section 10-103.2(c) of the 2019 Energy Code; and

BE IT FURTHER RESOLVED, that the CEC confirms the executive director's findings, adopts his recommendation, and approves CSPTC's proposed training curricula adjustments and application amendments as described in CSPTC's update report.

CERTIFICATION

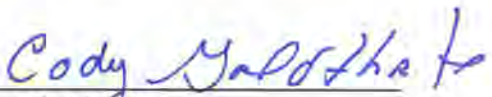
The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***MODESTO IRRIGATION DISTRICT
EMISSION PERFORMANCE
STANDARD COMPLIANCE FILING***

Docket No. 20-EPS-01

I. INTRODUCTION

Pursuant to Public Utilities Code section 8341(e)(1), the California Energy Commission established a greenhouse gases emission performance standard (EPS) of 1,100 pounds carbon dioxide per megawatt hour, as codified in Title 20 of the California Code of Regulations, section 2900 et seq. The Energy Commission is responsible for reviewing all long-term financial commitments entered into by local publicly owned electric utilities for compliance with the EPS.

II. FINDINGS

- a. On March 2, 2020, the Modesto Irrigation District (MID) submitted a compliance filing requesting that the Energy Commission find that MID's Power Purchase Agreement with Roseburg Forest Products Co. for electricity from the Weed Cogeneration Plant be determined to be compliant with the EPS;
- b. Energy Commission staff reviewed MID's filing and found it complete. Based on its review, staff recommended that the procurement be found to be in compliance with the EPS; specifically, staff concluded that the facility listed in the PPA is determined to be compliant with the EPS under section 2903(b)(2) of the Public Resources Code; and
- c. The Energy Commission concurs with staff's recommendation that MID's compliance filing is complete and that the contract with Roseburg Forest Products Co. as described in the compliance filing, complies with the EPS.

III. CONCLUSION AND ORDER

The California Energy Commission hereby adopts staff's recommendation and orders that the long-term financial commitment described in MID's compliance filing complies

with the Energy Commission's Greenhouse Gases Emission Performance Standard, as codified in Title 20 of the California Code of Regulations, section 2900 et seq.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE MARTHA BROOK

WHEREAS, Martha Brook has spent nearly 30 years in public service working for the State of California and in that time has been a passionate advocate and tireless innovator helping to scale energy efficiency programs and provide more Californians with the benefits of a cleaner environment and reduced energy bills; and

WHEREAS, Martha graduated from Humboldt State University in 1985 with a Bachelor of Science degree in Environmental Resource Engineering; and

WHEREAS, on June 1, 1990, Martha joined state service as an employee of the CEC; and

WHEREAS, on February 1, 1991, Martha became a licensed professional engineer; and

WHEREAS, Martha brought her positive attitude, technical acumen, and clear communication skills to the Energy Supply Planning and Demand Forecasting Division from 1990-1994, to the Energy Efficiency Division from 1994-2000, to the Energy Research and Development Division from 2000-2007, to the Efficiency Division from 2007-2016, to Commissioner J. Andrew McAllister's Office from 2016-2019, and presently to the Energy Assessments Division; and

WHEREAS, during her time at the CEC, Martha has contributed to its forecasting work, enhanced its data analytics capabilities, worked on building energy efficiency research and development projects, and helped the Building Standards Office as a senior mechanical engineer; and

WHEREAS, Martha helped to create the Public Interest Energy Research Program (PIER) for energy efficiency and steered advancements in emerging technologies, software, and design that have left an indelible mark on buildings today; and

WHEREAS, Martha was the primary author for the California Existing Buildings Energy Efficiency Action Plan in 2015 and its update in 2016, which are instrumental in laying out a pathway to achieve a doubling of energy efficiency in existing buildings; and

WHEREAS, Martha developed the CEC's first acceptance testing requirements in the Building Energy Efficiency Standards and moved the building standards compliance software, CBECC-Com and CBECC-Res, towards open-sourcing through strategic collaboration with building simulation software developers around the country; and

WHEREAS, Martha led all mechanical engineering work for nonresidential buildings in the Efficiency Division and was instrumental in connecting those Standards to developmental work related to building commissioning, both in California and nationally; and

WHEREAS, in her capacity as an advisor to Commissioner J. Andrew McAllister—the lead commissioner on buildings, electricity and natural gas—Martha brought her collaborative spirit and understanding of the benefits of enhanced data usage in energy program implementation to lay the foundation for a scaling of efficiency and building decarbonization to help California meet its climate goals; and

WHEREAS, during Martha's tenure as advisor to Commissioner McAllister, she was an invaluable liaison between Commissioner and staff, providing deep understanding of the Standards program and its areas of improvement, demanding innovation, and serving as a constant voice to support and inspire actions that have ensured California's Standards continue to lead the nation; and

WHEREAS, in 2019, Martha left Commissioner McAllister's office to take a special role in the Energy Assessments Division advancing projects to enhance the utilization of big data in the forecasting and distribution planning work of the CEC and supporting analyses on building decarbonization; and

WHEREAS, Martha's colleagues have noted she has never been afraid to express her opinion, take risks, or challenge others to think outside the box to advance the work of the CEC; and

WHEREAS, Martha has developed an enormous network of supportive stakeholders outside of the CEC through her collaborations and has created a deep well of external goodwill and respect for the CEC's work; and

WHEREAS, as being part of an elite group of women engineers in a male-dominated field and acting as a generous mentor to other women engineers, Martha has paved the way for other female leaders in energy; and

WHEREAS, as she nears retirement, Martha leaves behind almost 30 years' worth of doodle-filled notebooks, a testament to her creative soul and ability to always remain alert in meetings; now

THEREFORE, be it resolved that the CEC recognizes and thanks

Martha
Brook

for her distinguished record and professional contributions to the well-being of the citizens of California and for her superb accomplishments throughout the many years of service that she has given to the CEC and to the people of the State of California; and that the CEC congratulates Martha Brook on her new role at the Energy Commission, and wishes her good health, happiness and all the best as she approaches retirement.

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***DEDICATED-PURPOSE POOL PUMPS
AND REPLACEMENT DEDICATED-
PURPOSE POOL PUMP MOTORS
APPLIANCE EFFICIENCY
RULEMAKING***

Docket No. 19-AAER-02

**RESOLUTION
ADOPTING REGULATIONS**

WHEREAS, on February 20, 2020, the Commission published a Notice of Proposed Action (NOPA) formally notifying the public of the Energy Commission's intent to adopt proposed regulations for dedicated-purpose pool pump and replacement dedicated-purpose pool pump motors, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and Final Staff Report; and

WHEREAS, on February 21, 2020, the NOPA was published in the California Regulatory Notice Register; and

WHEREAS, on March 6, 2020, the Commission published a Proposed Negative Declaration and Initial Study for Dedicated-Purpose Pool Pumps and Replacement Dedicated-Purpose Pool Pump Motors Rulemaking, concluding that the proposed regulations would result in energy savings and reductions in air pollution, and there would be no significant adverse impacts to the environment as a result; and

WHEREAS, on April 7, 2020, the Commission held a Public Hearing to hear comments on the proposed regulations; and

WHEREAS, each of these documents and notices was provided to every person on the Energy Commission's Appliances list server and to every person who had requested notice of such matters, and was posted to the Commission's website; and

WHEREAS, on March 27, 2020, the Commission provided notice designating April 8, 2020, as the date for the hearing to consider adoption of the proposed regulations and on this date the Commission considered and adopted the regulations; and

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The California Energy Commission has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed energy efficiency regulations for Dedicated-Purpose Pool Pumps and Replacement Dedicated-Purpose Pool Pump Motors will not have any direct, indirect, or cumulatively considerable significant adverse effect on the environment; and

With regard to the Warren-Alquist Act:

- The proposed regulations will reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that require a significant amount of energy on a statewide basis; and
- The proposed regulations are technologically feasible and attainable; and
- The proposed regulations do not result in any added total costs to the consumer over the designed life of the appliances concerned; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California and will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will not create or eliminate a significant number of jobs within California; and
- The proposed regulations will impose no direct costs, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, when savings accruing over the lifetime of the appliance is considered; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and

- The proposed regulations will not result in cost or savings to any state agency in reasonable compliance with these regulations; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts when savings accruing over the lifetime of the appliance is considered; and
- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will have no significant, statewide adverse effect on businesses in general or small businesses in particular; and
- The proposed regulations will impose no net costs on private persons when savings from reduced energy use are taken into account; and
- The proposed regulations will result in some costs that a representative business would necessarily incur in reasonable compliance with the regulations, but any costs will be passed on to consumers and outweighed by savings resulting from reduced energy use; and
- The proposed regulations will result in non-economic benefits, on a statewide level, such as reduction in air pollution, greenhouse gas emissions, energy use and demand, and energy generation demand; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations require completion of certain reports regarding the efficiency and performance of the regulated appliances; this information is necessary for consumers and the Energy Commission to confirm that the standards are met and that the appliances consume no more energy than allowed, so that the anticipated energy savings, and energy, environmental, and cost benefits will actually be achieved. Accordingly, it is necessary that these reporting requirements apply to businesses in order to protect the health, safety and welfare of the people of California, as required by Government Code section 11346.3, subdivision (d); and
- None of the comments received during the comment period or at the adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on February 20, 2020.

THEREFORE BE IT RESOLVED, after considering the Initial Study, and all related materials in the record, the Energy Commission finds that (1) there is no substantial evidence that the adoption of the proposed amendments to the Appliance Efficiency Regulations will have a significant effect on the environment, and (2) the Negative Declaration reflects the Commission's independent judgment and analysis. The Commission hereby adopts the Negative Declaration and Initial Study published March 6, 2020. Documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based can be found at the California Energy Commission, 1516 9th Street, Sacramento, California, 95814 in the custody of the Docket Unit.

RESOLVED, additionally, after considering all comments received, and based on the entire record of this proceeding, the California Energy Commission hereby adopts the amendments to its appliance efficiency regulations, as set forth in the express terms that were published on February 20, 2020 (Cal. Code of Regs., tit. 20, §§ 1601-1607). We take this action under the authority of, and to implement, interpret, and make specific, sections 25213, 25218(e),

FURTHER BE IT RESOLVED, the Energy Commission delegates the authority and directs Commission staff to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Determination with the State Clearinghouse.

CERTIFICATION


The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF PACIFICA'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 852-C.S.**

RESOLUTION: California Energy Commission (CEC) approval of the City of Pacifica's locally adopted building energy efficiency standards, Ordinance No. 852-C.S., to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The City of Pacifica adopted Ordinance No. 852-C.S. to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The City of Pacifica submitted an application to the CEC for Ordinance No. 852-C.S. that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on January 15, 2020; and

WHEREAS, The City of Pacifica, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of Pacifica's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of Pacifica's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of Pacifica for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the City of Pacifica's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF SAN RAFAEL'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 1974**

RESOLUTION: California Energy Commission (CEC) approval of the City of San Rafael's locally adopted building energy efficiency standards, Ordinance No. 1974, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The City of San Rafael adopted Ordinance No. 1974 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The City of San Rafael submitted an application to the CEC for Ordinance No. 1974 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on January 17, 2020; and

WHEREAS, The City of San Rafael, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of San Rafael's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of San Rafael's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of San Rafael for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the City of San Rafael's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF MILL VALLEY'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 1313**

RESOLUTION: California Energy Commission (CEC) approval of the City of Mill Valley's locally adopted building energy efficiency standards, Ordinance No. 1313, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The City of Mill Valley adopted Ordinance No. 1313 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The City of Mill Valley submitted an application to the CEC for Ordinance No. 1313 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on January 21, 2020; and

WHEREAS, The City of Mill Valley, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of Mill Valley's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of Mill Valley's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of Mill Valley for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the City of Mill Valley's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF SARATOGA'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 19-0366**

RESOLUTION: California Energy Commission (CEC) approval of the City of Saratoga's locally adopted building energy efficiency standards, Ordinance No. 19-0366, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The City of Saratoga adopted Ordinance No. 19-0366 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The City of Saratoga submitted an application to the CEC for Ordinance No. 19-0366 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on January 17, 2020; and

WHEREAS, The City of Saratoga, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of Saratoga's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of Saratoga's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of Saratoga for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the City of Saratoga's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

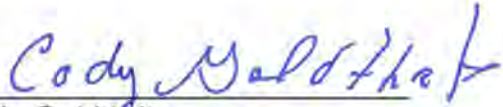
The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY AND COUNTY OF SAN FRANCISCO'S
LOCALLY ADOPTED BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE
NO. 262-19 & 003-20**

RESOLUTION: California Energy Commission (CEC) approval of the City and County of San Francisco's locally adopted building energy efficiency standards, Ordinance No. 262-19 & 003-20, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The City and County of San Francisco adopted Ordinance No. 262-19 & 003-20 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The City and County of San Francisco submitted an application to the CEC for Ordinance No. 262-19 & 003-20 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on February 10, 2020; and

WHEREAS, The City and County of San Francisco, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City and County of San Francisco's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City and County of San Francisco's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City and County of San Francisco for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the City and County of San Francisco's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF CUPERTINO'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 19-2193**

RESOLUTION: California Energy Commission (CEC) approval of the City of Cupertino's locally adopted building energy efficiency standards, Ordinance No. 19-2193, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The City of Cupertino adopted Ordinance No. 19-2193 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The City of Cupertino submitted an application to the CEC for Ordinance No. 19-2193 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on February 13, 2020; and

WHEREAS, The City of Cupertino, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the City of Cupertino's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the City of Cupertino's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the City of Cupertino for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the City of Cupertino's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE COUNTY OF LOS ANGELES LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 2019-0061**

RESOLUTION: California Energy Commission (CEC) approval of the County of Los Angeles's locally adopted building energy efficiency standards, Ordinance No. 2019-0061, to require greater energy efficiency than the 2019 Building Energy Efficiency Standards (Energy Code), provided in California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

WHEREAS, The County of Los Angeles adopted Ordinance No. 2019-0061 to establish locally adopted building energy efficiency standards; and

WHEREAS, California Code of Regulations, Title 24, Part 1, Sections 10-106 and 10-110, establish a process for local governments to apply to the CEC for a determination that a locally adopted building energy efficiency standard meets the requirements of Public Resources Code Section 25402.1(h)(2); and

WHEREAS, The County of Los Angeles submitted an application to the CEC for Ordinance No. 2019-0061 that met all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2), and California Code of Regulations, Title 24, Section 10-106(b), on February 20, 2020; and

WHEREAS, The County of Los Angeles, in its application to the CEC, indicated that it complied with the California Environmental Quality Act (CEQA), codified in California Public Resources Code Section 21000 et seq.; and

WHEREAS, CEC staff has analyzed whether the ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code, as required by Public Resources Code Section 25402.1(h)(2), and determined that it will do so; and

WHEREAS, CEC has considered the County of Los Angeles's application, the Executive Director's recommendation, and all comments submitted on the application.

THEREFORE BE IT RESOLVED, CEC finds that the County of Los Angeles's ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, CEC applauds the County of Los Angeles for seeking to achieve additional energy demand reductions, energy savings, and other benefits exceeding those of the 2019 Energy Code; and

THEREFORE BE IT FURTHER RESOLVED, that on April 8, 2020, CEC approves the County of Los Angeles's application to enforce its locally adopted energy standards; and

THEREFORE BE IT FURTHER RESOLVED, that CEC directs the Executive Director to take all actions necessary to implement this Resolution.

CERTIFICATION


The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CITY OF LOS ANGELES

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 013-19-ECI with the City of Los Angeles for a \$3,000,000 loan at one percent interest to replace 12,000 70-watt street light fixtures with 29-watt streetlight fixtures throughout the City, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save the City 2 gigawatt-hours of electricity annually, resulting in annual energy cost savings of \$361,325. The simple payback on the loan amount is approximately 8.3 years; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CITY OF CITRUS HEIGHTS

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 014-19-EC1 with the City of Citrus Heights for a \$611,677 loan at one percent interest and adopting staff's determination that this action is exempt from CEQA. The proposed project includes retrofitting landscaping and street lighting to light emitting diodes (LED) citywide. The project is estimated to save the City 425,197 kilowatt-hours (kWh) of electricity, resulting in annual energy cost savings of \$36,343. The simple payback on the loan amount is approximately 16.8 years; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: BIOLA COMMUNITY SERVICES DISTRICT

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 015-19-ECI with Biola Community Services District for a \$881,904 loan at one percent interest and adopting staff's determination that this action is exempt from CEQA. The proposed project includes the installation of four solar photovoltaic systems totaling 182.1 kilowatts direct current at four sites, the retrofit of an HVAC system, and retrofit a cool roof. The project is estimated to save the District 299,979 kWh of electricity, resulting in annual energy cost savings of \$57,066. The simple payback on the loan amount is approximately 15.5 years; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CITY OF PARLIER

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 016-19-ECI with City of Parlier for a \$1,210,560 loan at one percent interest to retrofit lighting, replace an HVAC, and install PV systems in the City's municipal buildings, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save the City 395,838 kWh annually, resulting in annual energy cost savings of \$73,766. The simple payback on the loan amount is approximately 16.4 years; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION ADOPTING
RENEWABLES PORTFOLIO STANDARD VERIFICATION RESULTS REPORT FOR
THE LOS ANGELES DEPARTMENT OF WATER AND POWER
FOR COMPLIANCE PERIOD 1

WHEREAS, Public Utilities Code Section 399.25(b) requires the California Energy Commission to design and implement an accounting system to verify compliance with the California Renewables Portfolio Standard (RPS) by retail sellers and local publicly owned electric utilities (POUs), to ensure that electricity generated by an eligible renewable energy resource is counted only once for the purpose of meeting the renewables portfolio standard of this state or any other state, and for verifying retail product claims in this state or any other state; and

WHEREAS, the California Energy Commission, in collaboration with the California Public Utilities Commission (CPUC), has adopted regulations and guidelines addressing its responsibilities under Public Utilities Code Section 399.25 as well as other provisions of California's RPS law; and

WHEREAS, in furtherance of Public Utilities Code Section 399.25 the California Energy Commission prepares a Renewables Portfolio Standard Verification Results Report to reports its findings on the amount of eligible renewable energy procured each compliance period by POUs subject to RPS pursuant to Public Utilities Code Section 399.11 et seq; and

WHEREAS, the Renewables Portfolio Standard Verification Results Reports apply the statutory requirements as specified in the California Energy Commission's Enforcement Procedures for Renewables Portfolio Standard Local Publicly Owned Electric Utilities regulations and the California Energy Commission's guidelines as detailed in the *Renewables Portfolio Standard Eligibility Guidebook* and further explained in the *Renewables Portfolio Standard Verification Methodology Report*, in determining the amount of renewable energy procurement that qualifies toward each POU's RPS procurement requirements; and

WHEREAS, California Energy Commission staff have prepared a staff draft verification report for the Los Angeles Department of Water and Power (LADWP) for RPS Compliance Period 1 entitled *California Energy Commission Staff Draft Report Renewables Portfolio Standard Verification Results Los Angeles Department of Water*

and Power Compliance Period 1 (2011-2013) (hereinafter *LADWP Verification Report*); and

WHEREAS, the *LADWP Verification Report* contains RPS procurement verification findings for LADWP and includes the following items:

- The amount of eligible renewable energy procured by the POU;
- The Portfolio Content Category classification of eligible renewable energy;
- The POU's procurement target and portfolio balance requirements; and
- The POU's additional procurement above RPS program requirements, which may be applied to a future compliance period;

WHEREAS, the California Energy Commission has considered and accepts and approves the *LADWP Verification Report* with any changes identified at the April 8, 2020 Business Meeting; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts the *LADWP Verification Report* including any errata or other modifications identified at the April 8, 2020 Business Meeting along with any non-substantive changes such as typographical corrections, as the *California Energy Commission Final Report Renewables Portfolio Standard Verification Results Los Angeles Department of Water and Power Compliance Period 1*.

CERTIFICATION


The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldfrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION ADOPTING
"ELECTRIC PROGRAM INVESTMENT CHARGE 2019 ANNUAL REPORT"**

WHEREAS, Public Resources Code Section 25711.5(f) requires the Energy Commission to prepare and submit to the Legislature an Electric Program Investment Charge (EPIC) Program Annual Report by April 30th of each year, reporting information on activities and projects funded in the previous calendar year; and

WHEREAS, Section 25711.5(f) requires the EPIC annual reports to provide specific information for each project awarded, concluded, or ongoing during the reporting period, including, but not limited to: award recipients and amounts, project descriptions, how projects will lead to technological advancements or breakthroughs, how awards were made, administrative and overhead costs, and the impact on program administration from the low-income and disadvantaged community allocations; and

WHEREAS, Energy Commission staff have prepared the EPIC 2019 Annual Report in accordance with the requirements of Public Resources Code Section 25711.5(f) and California Public Utilities Commission (CPUC) EPIC decisions including Decisions 12-05-037, 13-11-025, 15-04-020, and 18-10-052; and

WHEREAS, CPUC Decision 13-11-025 directs the Energy Commission to provide copies to the CPUC of each EPIC annual report submitted to the Legislature; and

WHEREAS, the Energy Commission has reviewed the staff proposed EPIC 2019 Annual Report, which was posted on the Energy Commission EPIC webpage for public access as a staff report as of February 26, 2020; and

THEREFORE, BE IT RESOLVED, the Energy Commission hereby approves the EPIC 2019 Annual Report and directs the Executive Director, or his designee, to take the following action:

- Finalize the EPIC 2019 Annual Report, including adding links for any project final reports that are posted on the Energy Commission website between today and April 30th;
- Forward the final report to the Legislature and to the CPUC;
- Make the final report available to the public on the Energy Commission's website.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: JASON COTRELL, DBA RCAM TECHNOLOGIES

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and


RESOLVED, that the CEC approves Agreement EPC-19-007 with Jason Cotrell dba RCAM Technologies for a \$2,999,979 grant to design, manufacture, demonstrate, and test prototypes of wind tower sections and offshore wind energy components using an onsite three-dimensional concrete printed (3DCP) manufacturing process and design. The advancement in scientific knowledge in 3DCP materials, manufacturing methods and large-scale structural performance will facilitate the deployment of large land-based and offshore wind technologies that use 3DCP manufacturing methods to increase the cost-competitiveness of the wind energy generation needed to meet California's statutory energy goals; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AKER SOLUTIONS

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-19-008 with Aker Solutions, Inc., for a \$2,000,000 grant. The project will establish a digital foundation of a floating offshore wind installation enabling continuous improvements in production optimization, maintenance strategies, levelized cost of energy, and understanding and mitigating environmental impacts of offshore wind projects; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: DOE-LAWRENCE BERKELEY NATIONAL LABORATORY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-19-010 with Lawrence Berkeley National Laboratory for a \$2,000,000 grant to develop and test a high-resolution optic sensing system for real-time monitoring of offshore wind turbine operations and marine animal activities for phase 1 of this project. Phase 1 focuses on developing and testing the fiber optic sensing system at lab scale. A possible phase 2 field demonstration is subject to future Energy Commission approval; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: INTEGRAL CONSULTING INC

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-19-009 with Integral Consulting Inc. for a \$500,000 grant to investigate the effects of large-scale offshore wind farms on wind stress reduction and the potential impacts on coastal upwelling; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: HUMBOLDT STATE UNIVERSITY SPONSORED PROGRAMS
FOUNDATION

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-19-011 with the Humboldt State University Sponsored Programs Foundation for a \$500,000 grant to develop a three-dimensional model of seabird density above waters offshore California. The model will be used to evaluate the relative risk to seabirds from different wind power farm locations and designs; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: PAULSSON, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement PIR-19-001 with Paulsson, Inc. for a \$1,500,000 grant to develop and demonstrate a downhole multi-sensor array based on fiber optic sensing technologies to monitor a natural gas storage reservoir. This multi-sensor array will include all-optical pressure, acoustic, strain and temperature sensors to provide real-time monitoring; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: LAWRENCE BERKELEY NATIONAL LABORATORY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement PIR-19-002 with Lawrence Berkeley National Laboratory for a \$1,500,000 grant to develop and demonstrate electromagnetic and optical sensor systems to monitor natural gas storage borehole operation and integrity. The sensor systems are expected to detect borehole damages, deformations or leakage events by providing real time monitoring data of temperature, strain and vibration; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: INSTITUTE OF GAS TECHNOLOGY DBA GAS TECHNOLOGY
INSTITUTE

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement PIR-19-003 with Institute of Gas Technology dba Gas Technology Institute for a \$1,034,930 grant to develop, test, and demonstrate a smart natural gas shutoff system for residential and commercial buildings. The smart shutoff system offers an additional layer of protection during hazardous events. The recipient will identify gas safety sensors, integrate them into a smart shutoff platform, and provide network connectivity to monitor the system status; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AEMETIS ADVANCED FUELS KEYES, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement FPI-19-012 with Aemetis Advanced Fuels Keyes, Inc. for a \$6,000,000 grant to install and operate an advanced, energy efficient evaporator and distillation system to reduce natural gas consumption and GHG emissions at the recipient's biofuels and animal food processing facility in Keyes. This project is expected to provide benefits to priority populations through criteria pollutant emissions reductions; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: GALLO CATTLE COMPANY, LP DBA JOSEPH GALLO FARMS

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement FPI-19-014 with Gallo Cattle Company, LP dba Joseph Gallo Farms for a \$3,482,450 grant to construct and operate an innovative manure digester at the recipient's integrated cheese processing facility and dairy farm in Atwater. The digester will produce more renewable electricity from biogas than the present system, thereby reducing GHG emissions from energy consumption; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: ANHEUSER-BUSCH, LLC

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement FPI-19-017 with Anheuser-Busch, LLC for a \$5,771,259 grant to design, install, and operate a microgrid system that will produce and store renewable electricity at the recipient's brewery in the Los Angeles area. The microgrid system will produce and store renewable electricity, providing reliability while reducing operating costs and GHG emissions at the facility. This project is expected to provide benefits to priority populations through job creation; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION


The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: THE NEIL JONES FOOD COMPANY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement FPI-19-018 with The Neil Jones Food Company for an \$8,000,000 grant to design, install, and operate a microgrid system at the recipient's tomato processing facility in Firebaugh. The microgrid system will produce and store renewable electricity, providing reliability while reducing grid electricity consumption and GHG emissions associated with the facility; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: MERCED PIPELINE, LLC

WHEREAS, the Merced County Planning Commission is the Lead Agency for "Merced Pipeline Dairy Cluster Project" (hereinafter, "Project,") a proposed dairy biogas upgrade project; and

WHEREAS, the Merced County Planning Commission, in 2019, prepared an Initial Study and Mitigated Negative Declaration (hereinafter "IS/MND") and Conditional Use Permit No. 19-003 (hereinafter "CUP"), for the Project to evaluate the potential environmental impacts of implementing the Project, copies of which are on file with the California Energy Commission and are provided in the backup materials; and

WHEREAS, the Merced County Planning Commission, on November 20, 2019, considered and adopted the IS/MND and the CUP for the Project, and adopted a Mitigation Monitoring and Reporting Program ("MMRP") thereby imposing mitigation measures upon the Project; and

WHEREAS, the Merced County Planning Commission adopted findings required by the California Environmental Quality Act ("CEQA"), and approved the Project, as shown in the minutes of the November 20, 2019 Planning Commission meeting, a copy of which minutes are on file with the Energy Commission and is provided in the backup materials; and

WHEREAS, the Energy Commission has reviewed and considered the County's IS/MND, MMRP, Planning Commission minutes and the findings contained therein, and filed Notice of Determination, and the Energy Commission staff's findings, which are contained in the Staff Memorandum and CEQA Analysis of LCF-19-002, which is included in the backup materials; and

WHEREAS, the Energy Commission is considering proposed Agreement LCF-19-002, "Merced Pipeline Dairy Cluster Project" (also referred hereafter as "LCF-19-002"), a grant to construct the biogas upgrade facility; and

Prior to acting on the Agreement LCF-19-002, the Energy Commission desires to make certain findings pursuant to the CEQA Guidelines, title 14, section 15096;

NOW THEREFORE, BE IT RESOLVED:

1. The Energy Commission has reviewed the information contained in the IS/MND, the MMRP, and the CUP that is relevant to its approval of LCF-19-002, and has reviewed the CEQA findings contained in the Merced County Planning Commission's IS/MND, the MMRP, and the CUP, which are adopted to the extent that they are relevant to the Energy Commission's decision to approve LCF-19-002, and has reviewed the Staff Memorandum identified above.
2. The Merced County Planning Commission has already adopted the mitigation measures recommended in the Mitigated Negative Declaration, the MMRP, and the CUP, and has authority to implement the mitigation measures or to seek any required approvals for the mitigation measures, and the Energy Commission has no direct authority to implement the mitigation measures.
3. The Energy Commission has reviewed and considered the IS/MND, MMRP, CUP, Planning Commission minutes, and Staff Memorandum, and finds that these documents are adequate for its use as the decision-making body for its consideration of LCF-19-002.
4. Approval of LCF-19-002 is within the scope of the Merced Pipeline Dairy Cluster Project approved by Merced County Planning Commission, and within the activities evaluated in the IS/MND and CUP.
5. Since the Mitigated Negative Declaration was finalized and adopted on November 20, 2019, there have been no substantial project changes and no substantial changes in the project circumstances that would require major revisions to the Mitigated Negative Declaration, either due to the involvement of new significant environmental effects or to an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Mitigated Negative Declaration.
6. The Energy Commission has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Merced Pipeline Dairy Cluster Project would have on the environment.

THEREFORE BE IT RESOLVED, that the Energy Commission finds, on the basis of the entire record before it, that the mitigation measures incorporated in the Conditional Use Permit and Mitigated Negative Declaration will prevent LCF-19-002 from having any significant environmental impacts; and

BE IT FURTHER RESOLVED, that the Energy Commission approves Agreement LCF-19-002 with Merced Pipeline, LLC, for \$2,518,948; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: LAKESIDE PIPELINE, LLC

WHEREAS, the Kings County Planning Commission is the Lead Agency for "Hanford-Lakeside Dairy Digester Cluster Project" (hereinafter, "Project,") a proposed dairy biogas collection and biomethane injection project; and

WHEREAS, the Kings County Planning Commission, in 2019, prepared an Initial Study and Mitigated Negative Declaration (hereinafter "IS/MND") and Conditional Use Permit No. 17-14 (hereinafter "CUP"), for the Project to evaluate the potential environmental impacts of implementing the Project, copies of which are on file with the California Energy Commission and are provided in the backup materials; and

WHEREAS, the Kings County Planning Commission, on September 11, 2019, approved and adopted the IS/MND and the CUP for the Project, and adopted a Mitigation Monitoring and Reporting Program ("MMRP") thereby imposing mitigation measures upon the project; and

WHEREAS, the Kings County Planning Commission adopted findings required by the California Environmental Quality Act ("CEQA"), and approved the Project, by Adoption of Resolution No. 19-03, a copy of which Resolution is on file with the Energy Commission and is provided in the backup materials; and

WHEREAS, the Energy Commission has reviewed and considered the County's IS/MND, MMRP, Resolution No. 19-03, and filed Notice of Determination, and the Energy Commission staff's findings, which are contained in the Staff Memorandum and CEQA Analysis of LCF-19-003, which is included in the backup materials; and

WHEREAS, the Energy Commission is considering proposed Agreement LCF-19-003, "Lakeside Pipeline Cluster Project" (hereafter, "LCF-19-003"), a grant to design and construct the biomethane production facility; and

Prior to acting on the Agreement LCF-19-003, the Energy Commission desires to make certain findings pursuant to the CEQA Guidelines, title 14, section 15096;

NOW THEREFORE, BE IT RESOLVED:

1. The Energy Commission has reviewed the information contained in the IS/MND, the MMRP, and the CUP that is relevant to its approval of LCF-19-003, and has reviewed the CEQA findings contained in the Kings County Planning Commission's IS/MND, the MMRP, and the CUP, which are adopted to the extent that they are relevant to the Energy Commission's decision to approve LCF-19-003, and has reviewed the Staff Memorandum identified above.
2. The Kings County Planning Commission has already adopted the mitigation measures recommended in the Mitigated Negative Declaration, the MMRP, and the CUP, and has authority to implement the mitigation measures or to seek any

required approvals for the mitigation measures, and the Energy Commission has no direct authority to implement the mitigation measures.

3. The Energy Commission has reviewed and considered the IS/MND, MMRP, CUP, Resolution, and Staff Memorandum, and finds that these documents are adequate for its use as the decision-making body for its consideration of LCF-19-003.
4. Approval of LCF-19-003 is within the scope of the Hanford-Lakeside Dairy Digester Cluster Project approved by Kings County Planning Commission, and within the activities evaluated in the IS/MND and CUP.
5. Since the Mitigated Negative Declaration was finalized and adopted on September 11, 2019, there have been no substantial project changes and no substantial changes in the project circumstances that would require major revisions to the Mitigated Negative Declaration, either due to the involvement of new significant environmental effects or to an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Mitigated Negative Declaration.
6. The Energy Commission has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Lakeside Pipeline Cluster Project would have on the environment.

THEREFORE BE IT RESOLVED, that the Energy Commission finds, on the basis of the entire record before it, that the mitigation measures incorporated in the Conditional Use Permit and Mitigated Negative Declaration will prevent LCF-19-003 from having any significant environmental impacts; and

BE IT FURTHER RESOLVED, that the Energy Commission approves Agreement LCF-19-003 with Lakeside Pipeline, LLC, for \$798,052; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None


Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: RIALTO BIOENERGY FACILITY, LLC

WHEREAS, the City of Rialto is the Lead Agency for purposes of the California Environmental Quality Act ("CEQA") for Rialto Bioenergy Phase 3: Expanded Renewable Natural Gas Refueling (hereinafter "Project"); and

WHEREAS, the City of Rialto prepared a Final Environmental Impact Report for the Project ("FEIR"), Mitigation, Monitoring and Reporting Program ("MMRP"), CEQA findings of fact, a Statement of Overriding Considerations, and a Notice of Determination, evaluating the potential environmental impacts of implementing the Project, and all of which are on file with the Energy Commission; and

WHEREAS, the City of Rialto, on March 27, 2018 considered and certified the FEIR for the Project, approved the permit for the Project, adopted the MMRP, adopted CEQA findings of fact, and adopted a Statement of Overriding Considerations, under Resolution Nos 18-7309 and 18-7310, copies of which are on file with the Energy Commission; and

WHEREAS, the Energy Commission has reviewed and considered the City's FEIR, MMRP, Resolution Nos 18-7309 and 18-7310 containing CEQA findings of fact and an adopted Statement of Overriding Considerations, filed Notice of Determination, and the Energy Commission staff's findings are contained in February 7, 2020 Memorandum, CEQA Analysis of LCF-19-004.

WHEREAS, the Energy Commission is considering proposed Agreement LCF-19-004, Phase 3 Biomethane Expanded Renewable Natural Gas Refueling at the Rialto Bioenergy Facility (hereinafter "LCF-19-004"), a grant to fund the revitalization of the Rialto Bioenergy Facility to convert food waste and biosolids into biomethane transportation fuel; and

Prior to acting on Agreement LCF-19-004, the Energy Commission desires to make certain findings pursuant to CEQA Guidelines, title 14, sections 15091, 15092, 15093, and 15096;

NOW THEREFORE, BE IT RESOLVED:

1. To the extent relevant to LCF-19-004, the Energy Commission has considered the information contained in the City of Rialto's FEIR, MMRP, CEQA findings of fact, Statement of Overriding Considerations, and Resolutions identified above;
2. The City of Rialto has the authority and has already adopted the MMRP to implement mitigation measures or seek any required approvals for mitigation measures identified, to reduce the selected impacts to a less than significant level, and the Energy Commission has no direct authority to implement the mitigation measures identified.
3. The Energy Commission finds the City of Rialto's FEIR, MMRP, Statement of Overriding Considerations, CEQA findings of fact, and Resolutions are adequate for its use as the decision-making body for its consideration of LCF-19-004.

4. Approval of LCF-19-004 is within the scope of the City of Rialto's FEIR, MMRP, Statement of Overriding Considerations, CEQA findings of fact, and Resolutions.
5. Since the City of Rialto's FEIR, MMRP, Statement of Overriding Considerations, CEQA findings, and Resolutions were finalized, there have been no substantial project changes and no substantial changes in the Project circumstances that would require major revisions to these documents due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth therein.
6. The Energy Commission has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Project would have on the environment.

BE IT FURTHER RESOLVED, that the Energy Commission finds, on the basis of the entire record before it, including the City of Rialto's CEQA documents and staff's February 7, 2020 Memorandum identified above, that the mitigation measures incorporated will prevent LCF-19-004 from having any significant environmental impacts, or on balance, there are economic, legal, social, technological or other benefits, including environmental benefits, associated with the Project that serve to outweigh and as overriding considerations of the Project's significant unavoidable effects; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to prepare and file a Notice of Determination on behalf of the Energy Commission; and

BE IT FURTHER RESOLVED, that the Energy Commission approves Agreement LCF-19-004 with Rialto Bioenergy Facility, LLC for \$5,000,000; and

BE IT FURTHER RESOLVED, that the Executive Director or his or her designee shall execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat



**State of California
State Energy Resources Conservation and
Development Commission
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov**

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:**

LAURELWOOD DATA CENTER

Docket No. 19-SPPE-01

ORDER ON PETITION FOR RECONSIDERATION

I. INTRODUCTION AND PROCEDURAL HISTORY

On or about March 5, 2019, MECP1 Santa Clara 1, LLC, (Applicant) submitted an application for a small powerplant exemption for the proposed Laurelwood Data Center Project (Laurelwood) in Santa Clara, California, to the California Energy Commission (CEC).¹ The CEC appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Janea A. Scott, Vice Chair and Associate Member, at the April 10, 2019, CEC Business Meeting.² On May 6, 2019, Robert Sarvey petitioned to intervene in the case;³ his petition was granted on May 23, 2019.⁴ California Unions for Reliable Energy (CURE) filed a petition to intervene on May 21, 2019;⁵ CURE was granted intervenor status on June 10, 2019.⁶ CEC staff (Staff) was party to the proceeding pursuant to California Code of Regulations, title 20, section 1937.

The Committee issued its Proposed Decision on January 24, 2020.⁷ Mr. Sarvey submitted comments on the Proposed Decision on February 3, 2020.⁸ The Committee filed Errata to the Committee Proposed Decision on February 4, 2020.⁹

¹ TNs 227273-1, 227273-2, 272273-3.

² TN 227638.

³ TN 228057.

⁴ TN 228376.

⁵ TN 228341-1.

⁶ TN 228730.

⁷ TN 231721.

⁸ TN 231928.

⁹ TN 231933.

The CEC held a public hearing on the Committee Proposed Decision on February 4, 2020; Mr. Sarvey participated in that public hearing.¹⁰ At the conclusion of the public hearing, the CEC made minor, non-substantive changes to the Committee Proposed Decision and adopted an Order granting the Small Power Plant Exemption for Laurelwood.¹¹

Mr. Sarvey filed "Robert Sarvey's Request for Reconsideration" (Petition) on March 5, 2020.¹² The Petition, citing to Public Resources Code section 25530, requested that the CEC overturn the "Adoption Order, Findings and Order."¹³

On March 26, 2020, we provided "Notice of California Energy Commission Hearing on Request for Reconsideration" (Notice). In the Notice we indicate that we will accept oral and written comments until and at the hearing and we invited, but did not require, that comments be submitted by the parties by April 3, 2020.¹⁴

CEC staff (Staff)¹⁵ filed an opposition to the Petition on March 20, 2020. MECP1 Santa Clara 1 (Applicant) filed its opposition¹⁶ to the Petition on March 26, 2020.

Mr. Sarvey filed a motion to strike Applicant's opposition (Motion to Strike) as being untimely on March 26, 2020.¹⁷ Mr. Sarvey subsequently withdrew this Motion to Strike on April 6, 2020.¹⁸

II. ANALYSIS

A. Timeliness of Applicant's Opposition

As set forth above, Applicant filed its opposition to the Petition on March 26, 2020. As Mr. Sarvey withdrew the Motion to Strike, we do not need to issue a ruling on the Motion to Strike.

B. Timeliness of the Petition

California Public Resources Code section 25530 (Section 25530) states:

¹⁰ TN 232554, pp. 16-18, 26.

¹¹ TN 231950. The Commission Final Decision, a compilation of the Committee Proposed Decision, the Errata, and changes made during the February 4, 2020, CEC Business Meeting, was filed on March 13, 2020. (TN 232394)

¹² While entitled "Request," for purposes of this Order we use the word "Petition."

¹³ TN 232325.

¹⁴ TN 232549.

¹⁵ TN 232472.

¹⁶ TN 232547.

¹⁷ TN 232556.

¹⁸ TN 232674.

The commission may order a reconsideration of all or part of a decision or order on its own motion or on petition of any party.

Any such petition shall be filed within 30 days after adoption by the commission of a decision or order. The commission shall not order a reconsideration on its own motion more than 30 days after it has adopted a decision or order. The commission shall order or deny reconsideration on a petition therefor within 30 days after the petition is filed.

A decision or order may be reconsidered by the commission on the basis of all pertinent portions of the record together with such argument as the commission may permit, or the commission may hold a further hearing, after notice to all interested persons. A decision or order of the commission on reconsideration shall have the same force and effect as an original order or decision.

(Emphasis added.)

The Order was adopted on February 4, 2020. Under Section 25530, the deadline to file a petition for reconsideration would be 30 days after that date, or March 5, 2020.

Both Staff and Applicant argued that the Petition was not timely filed under the "General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters" (General Orders).¹⁹ The General Orders stated that the deadline for all documents to be filed was no later than 5:00 p.m.; if filed after 5:00 p.m., the document would not be deemed filed until the following business day.²⁰ Thus, because Mr. Sarvey did not submit the Petition until after 5:00 p.m., Applicant and Staff argued that it would be deemed filed the next business day.

Regardless of the applicability of the General Orders, California Code of Regulations, title 20, section 1208 states:

(b) A document will be accepted as of the day of its receipt by the Docket Unit or by the automated electronic filing or commenting system, except that:

(2) Documents filed after 5:00 p.m. on a business day, or at any time on a Saturday, Sunday, or holiday, or other day when the commission is closed, shall be deemed filed the next business day.²¹

¹⁹ TN 227867.

²⁰ *Id.* at p. 2.

²¹ Cal. Code Regs., tit. 20, § 1208.

In his Motion to Strike, Mr. Sarvey outlines his attempts to file the Petition, as well as his having provided copies to the Chief Counsel, the Public Advisor, and the Project Manager for the Laurelwood project before the 5:00 p.m. deadline.

We thus find that Mr. Sarvey substantially complied with the filing requirements of either the General Orders or our regulations and therefore address the merits of the Petition.

C. Standard to Grant Reconsideration

As set forth above, Section 25530 does not contain any specific criteria to guide our decision of whether to grant or deny a petition for reconsideration. In the Petition, Mr. Sarvey does not propose any specific standard or criteria for us to address his request.

While conceding that Section 1720 applies only to Applications for Certification and Notices of Intent, Staff argued that we should look to Section 1720 for guidance.²² Section 1720 provides in pertinent part:

A petition for reconsideration must specifically set forth either: 1) new evidence that despite the diligence of the moving party could not have been produced during evidentiary hearings on the case; or 2) an error in fact or change or error of law. The petition must fully explain why the matters set forth could not have been considered during the evidentiary hearings, and their effects upon a substantive element of the decision.²³

In its opposition, Applicant does not analyze the applicability of Section 1720, but relies on it in making arguments advocating for denial of the Petition.²⁴

Given the broad discretion afforded to us under Section 25530, we agree that the standards set out in Section 1720 provide useful guidance for us in resolving the current Petition.

After considering the Petition and the information presented at the April 8, 2020, Business Meeting, we **DENY** the Petition and find that it is a reassertion and re-argument of previous matters already raised and considered by the Commission prior to the issuance of the Order. In fact, Mr. Sarvey states in the Petition that he submitted the information in his comments on the Initial Study/Proposed Mitigated Negative Declaration, Opening Testimony, Reply Testimony, and his written and oral comments before the CEC at the February 4, 2020, Business Meeting.²⁵

²² TN 232472, p. 4.

²³ Cal. Code Regs., tit. 20, §1720(a).

²⁴ TN 232547, p. 3.

²⁵ TN 232325, pp. 9 ("As I pointed out in my comments on the initial study and rebuttal testimony...")15-16 ("I raised the issue...in my opening testimony and also in my rebuttal testimony.")

In the Petition, the facts are unchanged. Mr. Sarvey attempts to present new legal argument and theories.²⁶ Moreover, Mr. Sarvey has not shown any error or change of law in the time since the Commission adopted the Order.

In sum, Mr. Sarvey is asking us to reweigh the evidence—which is beyond the scope of a motion for reconsideration when applying Section 1720.

We therefore conclude that Mr. Sarvey has made no showing that there are new facts, evidence, or changed circumstances, or alleged factors that warrant reconsideration of the Order.

III. CONCLUSION

For the reasons stated above, Intervenor Robert Sarvey's Request for Reconsideration is hereby **DENIED**.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on April 8, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan
NAY: None
ABSENT: None
ABSTAIN: None


Cody Goldthrite
Secretariat

²⁶ See, for example, his citation to Appendix F of the CEQA Guidelines (Cal. Code Regs., tit. 14, App. F) in his arguments about the analysis of energy impacts and impact to utilities and utility services. (TN 232352, pp. 5-8)