

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

OTAY MESA ENERGY CENTER

Docket No. 99-AFC-05C

ORDER AUTHORIZING
RELEASE OF FUNDS FROM
THE OTAY MESA PROJECT
QUINO CHECKERSPOT
BUTTERFLY ENDOWMENT

I. INTRODUCTION

On April 18, 2001, the Energy Commission (CEC) approved the Otay Mesa Generating Project, which was subsequently renamed the Otay Mesa Energy Center, a 510 megawatt gas-fired combined-cycle power plant located in San Diego County. Among other things, the CEC decision identified a potential significant adverse environmental impact to the federally endangered Quino checkerspot butterfly (*Euphydryas editha quino*) and required mitigation in the form of an endowment (called the Otay Mesa Project Quino Checkerspot Butterfly Endowment) to be used to better understand the species and provide for its management. This mitigation was contained in Condition of Certification **BIO-11** and required the CEC to approve any dispersal of funds from the endowment.

Since 2018, the CEC has approved two dispersals of funds from the endowment for work related to the ongoing San Diego National Wildlife Refuge Quino Checkerspot Butterfly Augmentation Project. To date, the CEC has authorized the dispersal of \$47,006.59 to pay RECON Environmental to perform activities in compliance with **BIO-11**, including vegetation treatment to prepare a site for Quino checkerspot butterfly release; specifically to reduce the weed and thatch cover in order to provide space for the growth of host plants and room for Quino larvae to bask and move within the environment.

On September 14, 2020, CEC staff received a request from the United States Fish and Wildlife Service to release additional endowment funds in the amount of \$18,721 for the

same purpose, focusing on areas without host plants but with Quino checkerspot butterfly expected to be nearby in existing patches of host plants.

On November 13, 2020, staff filed its analysis and recommendation that the CEC approve the request. Staff concluded that the expenditure would not have the potential to result in any significant adverse environmental impact.

II. ENERGY COMMISSION FINDINGS

Based on the entire record, including staff's analysis and recommendation, the CEC finds that the requested expenditure of funds from the Otay Mesa Project Quino Checkerspot Butterfly Endowment is in furtherance of the objectives expressed in **BIO-11**, will benefit the Quino checkerspot butterfly, and will not result in any significant adverse impacts to the environment. Additionally, the activity would be considered a Class 7 activity pursuant to Title 14, California Code of Regulations, section 15307, and thus subject to an exemption from CEQA as an action taken by a regulatory agency to assure the maintenance, restoration, or enhancement of a natural resource. No exception to this exemption applies.

III. CONCLUSION AND ORDER

The CEC hereby approves staff's recommendation to release \$18,721 from the Otay Mesa Project Quino Checkerspot Butterfly Endowment to pay RECON Environmental to perform activities related to the continued implementation of the project, as described above and in staff's analysis.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC 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 December 9, 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: CUMMINS ELECTRIFIED POWER NA 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 #4 to Agreement ARV-15-001 with Cummins Electrified Power NA Inc. to: 1) change the Prime Recipient from Hydrogenics USA, Inc. to Cummins Electrified Power NA Inc.; 2) extend the agreement from February 28, 2022 to June 30, 2022; 3) include an updated Special Terms and Conditions with a liquidated damages provision; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION – RE: CUMMINS ELECTRIFIED POWER NA 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 #4 to Agreement ARV-15-002 with Hydrogenics USA, Inc. to: 1) change the Prime Recipient from Hydrogenics USA, Inc. to Cummins Electrified Power NA Inc.; 2) extend the term of the agreement from October 29, 2021 to December 31, 2021; 3) include an updated Special Terms and Conditions with a liquidated damages provision; 4) update the Scope of Work to replace the current demonstration partner from Praxair, Inc. to Linde, Inc.; 5) make reallocations to the budget listing Hydrogenics USA, Inc. as a subcontractor and adding Hydrogenics Corp. as a subcontractor with match funds only;; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS

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 200-20-010 for a \$9,999 sponsorship contract to support the research and development of the 2021 U.S. Energy & Employment Report; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, Monahan

NAY: None

ABSENT: McAllister

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

CALIFORNIA ENERGY COMMISSION

RESOLUTION – NEW SOLAR HOMES PARTNERSHIP EXTENSION OF
APPLICABLE EXPIRED RESERVATIONS
DUE TO COVID-19 PANDEMIC

WHEREAS, Public Resources Code sections 25744.5 and 25780 – 25784 authorize the California Energy Commission (CEC) to develop and administer a program to encourage the installation of solar energy systems on new residential construction, and authorize the CEC to adopt guidelines to govern the administration of this program; and

WHEREAS, the CEC developed the New Solar Homes Partnership (NSHP) in December 2006 to carry out the purposes of sections 25744.5 and 25780–25784, and adopted guidelines, as set forth in the *New Solar Homes Partnership Guidebook*, to govern the administration of the NSHP pursuant to this authority; and

WHEREAS, COVID-19 has had, and continues to have, devastating effects on all aspects of life in California, the United States, and worldwide; and

WHEREAS, the current *New Solar Homes Partnership Guidebook* was established before COVID-19, and since COVID-19, CEC staff has witnessed reservations not meeting existing *Guidebook* deadlines and received inquiries for reservation extensions; and

WHEREAS, to address the effects of COVID-19 on the NSHP, CEC staff recommends the following:

- 1) All NSHP reservations that expired or will expire from October 1, 2019, through December 31, 2020, have their reservation expiration dates extended to March 31, 2021 (referred to in this Resolution as “COVID Affected Projects”); requiring at least the NSHP-2 payment claim form to be received no later than March 31, 2021; any COVID Affected Projects with an NSHP-2 payment claim form received after March 31, 2021, will not be accepted or processed for payment, without notice to applicants;
- 2) All COVID Affected Projects must still adhere to all other requirements in the applicable *New Solar Homes Partnership Guidebook*;

3) The “Limited Extensions of Time” section in the current *New Solar Homes Partnership Guidebook*, Appendix A, Section O, is not available to COVID Affected Projects since they have already received the extension in 1) above;

4) The current *New Solar Homes Partnership Guidebook* states on page 56:

If the complete NSHP-2 is mailed to the Energy Commission on or before the reservation expiration, the applicant is provided an additional three months or 90 calendar days, whichever is longer, after the reservation expiration date to complete and submit the remaining required supporting documentation that make up the payment claim package to the Energy Commission.

This extension of three months or 90 calendar days is not available to COVID Affected Projects since they have already received the extension in 1) above;

5) The current *New Solar Homes Partnership Guidebook* states on page 61:

The Energy Commission will allow the applicant up to 15 business days to respond with corrections to all the unclear information to approve payment provided that under no circumstances will applicants be given additional time beyond the August 31, 2021 deadline.

This 15-business day extension to correct mistakes is still available to COVID Affected Projects that submit an NSHP-2 payment claim form on or before the March 31, 2021 deadline. Payment claim packages deemed incomplete after the 15-business day extension will not be accepted or processed for payment;

6) Lastly, COVID Affected Projects are not guaranteed to receive funding under the NSHP; the CEC only has a certain timeframe in which to spend available funds under the NSHP and certain staff resources to process payment claims; the additional time allowed to COVID Affected Projects could lead to incredibly high volumes of payment claims all at once, which might be more than CEC staff can process in time to spend the funds; applicants are strongly encouraged to submit all required material as soon as possible; and

WHEREAS, by November 25, 2020, the CEC had publically posted both the agenda for this business meeting, which included notice this item would be considered, as well as this proposed resolution, which explains all of the proposed changes. In addition, because this item involves the NSHP, the business meeting agenda was sent to the GOSOLAR list server. These methods of notice afforded stakeholders and interested members of the public the opportunity to provide comments at the business meeting.

THEREFORE BE IT RESOLVED, the CEC hereby adopts staff's recommendations for COVID Affected Projects, and authorizes the executive director, or his designee, to administer the NSHP as specified herein.

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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: VELOZ

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 600-20-004 with Veloz for a \$50,000 contract which provides the CEC membership for six months. Membership allows the CEC to participate in member meetings, working groups, workshops, briefings, and other events; and provide input on electric vehicle awareness campaigns. Veloz membership provides a forum for the CEC to collaborate with stakeholders in the electric vehicle (EV) community; 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 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 December 9, 2020.

AYE: Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: Hochschild

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING APPOINTMENT OF
LITHIUM VALLEY COMMISSION MEMBERS

WHEREAS, Assembly Bill 1657 (Garcia, Chapter 271, 2020) (AB 1657), identifies the need for the development of lithium resources in the Salton Sea geothermal resource area in order to meet the projected need for lithium in the near future; and

WHEREAS, AB 1657 requires the California Energy Commission (CEC) to convene within the CEC the Blue Ribbon Commission on Lithium Extraction in California (hereafter referred to as the Lithium Valley Commission); and

WHEREAS, the Lithium Valley Commission shall review, investigate, and analyze certain issues relating to lithium extraction and use in California, including development of geothermal facilities, market opportunities for lithium, technical advancements, environmental standards and impacts, as well as opportunities for local, state, and federal incentives and investments, as further detailed in AB 1657; and

WHEREAS, under AB 1657, the CEC has responsibility to appoint nine of the 14 Lithium Valley Commission members, with the remaining appointments to be made by the California Public Utilities Commission, the Secretary of the California Natural Resources Agency, the Senate Committee on Rules, the Speaker of the Assembly, and the Governor; and

WHEREAS, the CEC solicited applications for each of the nine seats to which it will appoint members; and

WHEREAS, CEC Commissioner Karen Douglas and Chair David Hochschild have reviewed the applications received, and have jointly recommended individuals to be appointed to the Lithium Valley Commission; and

THEREFORE, BE IT RESOLVED, that the CEC accepts the recommendations, and appoints the following individuals to the Lithium Valley Commission, effective January 1, 2021:

- **Manfred Scott**, Quechan Indian Tribe – General member
- **Jonathan Weisgall**, Berkshire Hathaway Energy – Represents the lithium extraction industry
- **Roderic Dolega**, Ford EV Purchasing – Represents a national vehicle manufacturer organization

- **Frank Ruiz**, Salton Sea Program Director for Audubon California – Represents a local environmental organization
- **Ryan E. Kelley**, County of Imperial – Represents a local city or county government in the Salton Sea geothermal resource area
- **James C. Hanks**, Imperial Irrigation District – Represents a local public electric utility
- **Luis Olmedo**, Comite Civico Del Valle, Inc. – Represents disadvantaged and low-income communities in the Salton Sea geothermal resource area
- **Arthur Lopez**, Torres Martinez Desert Cahuilla Indians – Represents a local tribal community
- **Rod Colwell**, Controlled Thermal Resources – Member with knowledge of economics and the effectiveness of local, state, and federal incentives; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee is authorized to take all action, including facilitating Lithium Valley Commission coordination with the United States Environmental Protection Agency and the United States Department of Energy and their respective staff as necessary, to ensure the Lithium Valley Commission accomplishes the purposes set forth in AB 1657.

CERTIFICATION

The undersigned Secretariat to the California Energy 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 California Energy Commission held on December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

**Appliance Efficiency Regulations
California Code of Regulations
Title 20, Section 1601, et seq.**

Docket No. 20-AAER-03

**Resolution Amending Appliance
Efficiency Regulations to account for
advances in Computer and Computer
Monitor technologies**

WHEREAS, on October 2, 2020, the State Energy Resources Conservation and Development Commission (CEC) published a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to amend the Appliance Efficiency Regulations to account for advances in Computer and Computer Monitor technologies, the Express Terms of the proposed amendments, and an Initial Statement of Reasons (ISOR) describing the rationale for the amendments; and

WHEREAS, on October 2, 2020, the NOPA was published in the California Regulatory Notice Register; and

WHEREAS, on November 16, 2020, the 45-day comment period established by the NOPA closed; and

WHEREAS, on November 18, 2020, the CEC held a public hearing to hear comments on the proposed amendments; and

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

WHEREAS, on November 24, 2020, the CEC provided notice designating December 9, 2020 as the date for the hearing to consider adoption of the proposed amendments and did so adopt the proposed amendments.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed amendments and concluded that the proposed amendments are exempt from CEQA under the common sense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because the proposed amendments will have a negligible effect on energy consumption, and therefore it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment; and

With regard to the Warren-Alquist Act:

- The proposed regulations will establish minimum levels of operating efficiency, based on a reasonable use pattern, and 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 (APA):

- 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 significant net costs on private persons as the regulations are not expected to impact the cost of products currently on the market; 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 ensuring California residents have access to new and innovative technologies and ensuring that such technologies are properly regulated; 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
- While one comment led to a minor addition of language for clarification, none of the comments received during the comment period or at the adoption hearing, and nothing else in the record, justified any substantive changes to the proposed regulations as published on October 2, 2020.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the proposed amendments are exempt from CEQA under the common

sense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because the proposed amendments will have a negligible effect on energy consumption, and therefore it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment; and

BE IT FURTHER RESOLVED, that after considering the entire record before it, the CEC hereby amends the Appliance Efficiency Regulations as set forth in the express terms that were published on October 2, 2020 (Cal. Code of Regs., tit. 20, § 1602, 1604, 1605.3, 1606.). The CEC takes this action under the authority of section 25218(e) of the Public Resources Code, which authorizes the CEC to adopt rules or regulations, as necessary, to implement, *inter alia*, Public Resources Code sections 25218(e), 25402, and 25402.1; and

BE IT FURTHER RESOLVED, that the documents and other materials that constitute the rulemaking record can be found at the California Energy Commission, 1516 9th Street, Sacramento, California 95814 in the custody of the Docket Unit or online at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>; and

BE IT FURTHER RESOLVED, that the CEC authorizes and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed amendments 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 Exemption with the State Clearinghouse.

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 December 9, 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:

**Appliance Efficiency Regulations
California Code of Regulations
Title 20, Section 1601, et seq.**

Docket No. 20-AAER-01

**Resolution Updating and Amending
Appliance Efficiency Regulations
Concerning Self-Contained Lighting
Controls and Other Matters**

WHEREAS, on October 9, 2020, the State Energy Resources Conservation and Development Commission (CEC) published a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to amend the Appliance Efficiency Regulations to repeal the self-contained lighting control requirements, provide updates to reflect current federal law, remove the outdated minimum lumen output requirement for portable luminaires, and modify data submittal requirements for certain appliances; the Express Terms of the proposed amendments; and an Initial Statement of Reasons (ISOR) describing the rationale for the amendments; and

WHEREAS, on October 9, 2020, the NOPA was published in the California Regulatory Notice Register; and

WHEREAS, on November 23, 2020, the 45-day comment period established by the NOPA closed; and

WHEREAS, on December 3, 2020, the CEC held a public hearing to hear comments on the proposed amendments; and

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

WHEREAS, on November 24, 2020, the CEC provided notice designating December 9, 2020 as the date for the hearing to consider adoption of the proposed amendments and did so adopt the proposed amendments.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed amendments and concluded that the proposed amendments are exempt from CEQA under the commonsense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment; and

With regard to the Warren-Alquist Act:

- The proposed regulations, by ensuring the standards are clear and up to date, will guarantee the appliance efficiency regulations continue to 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 (APA):

- 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 significant net costs on private persons as the regulations are not expected to impact the cost of products currently on the market; and
- The proposed regulations will not result in any costs that a representative business would necessarily incur in reasonable compliance with the regulations; and
- The proposed regulations will result in non-economic benefits, on a statewide level, such as ensuring the requirements are clear and non-duplicative and allowing California residents will have access to lower-lumen products; 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 update the information that must be contained in 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 October 9, 2020.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the proposed amendments are exempt from CEQA under the commonsense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)) because it

can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment; and

BE IT FURTHER RESOLVED, that after considering the entire record before it, the CEC hereby amends the Appliance Efficiency Regulations as set forth in the express terms that were published on October 9, 2020 (Cal. Code of Regs., tit. 20, § 1601, 1602, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607). The CEC takes this action under the authority of section 25218(e) of the Public Resources Code, which authorizes the CEC to adopt rules or regulations, as necessary, to implement, *inter alia*, Public Resources Code sections 25218(e), 25402, and 25402.1; and

BE IT FURTHER RESOLVED, that the documents and other materials that constitute the rulemaking record can be found at the California Energy Commission, 1516 9th Street, Sacramento, California 95814 in the custody of the Docket Unit or online at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>; and

BE IT FURTHER RESOLVED, that the CEC authorizes and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed amendments 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 Exemption with the State Clearinghouse.

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 December 9, 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: CALIFORNIA AIR RESOURCES BOARD

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 600-20-001 with the California Air Resources Board for a \$8,000,000 contract to operate the Clean Mobility Voucher Pilot Program. The Clean Mobility Pilot Voucher Program will fund and provide technical assistance for shared mobility projects in under-represented communities. Eligible communities include disadvantaged, low-income and California Native Tribal Communities. CEC funds will be used for shared mobility projects and tools including outreach, education, and technical assistance; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: FIRSTELEMENT FUEL, 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 ARV-20-002 with FirstElement Fuel, Inc., for a grant amount up to \$52,076,370 to develop hydrogen refueling stations in California. The CEC is currently providing \$20,540,000 in grant funds to develop 21 hydrogen refueling stations, which includes \$5 million in supplemental VW Mitigation Trust funding in cooperation with the California Air Resources Board and the Bay Area Air Quality Management District. Additional funds may be added up to \$52,076,370 at future dates to develop more stations, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations and CEC approval of subsequent batches of stations; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: EQUILON ENTERPRISES, 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 ARV-20-003 with Equilon Enterprises LLC (DBA Shell Oil Products US) for a grant up to \$40,575,712 to develop hydrogen refueling stations in California. The CEC is currently providing \$7,318,398 in grant funds to develop eight hydrogen refueling stations, and additional funds may be added up to \$40,575,712 at future dates to develop more stations, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations and CEC approval of subsequent batches of stations; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: IWATANI CORPORATION OF AMERICA

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 ARV-20-004 with Iwatani Corporation of America for a grant up to \$23,073,184 to develop hydrogen refueling stations in California. The CEC is currently providing \$1,919,597 in grant funds to develop one hydrogen refueling station, and additional funds may be added up to \$23,073,184 at future dates to develop more stations, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations and CEC approval of subsequent batches of stations; 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 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF SAN MATEO'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 2020-17**

RESOLUTION: California Energy Commission (CEC) approval of the City of San Mateo's locally adopted building energy efficiency standards, Ordinance No. 2020-17, 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 Mateo adopted Ordinance No. 2020-17 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 Mateo submitted an application to the CEC for Ordinance No. 2020-17 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 October 8, 2020; and

WHEREAS, the City of San Mateo, in its application to the CEC, indicated that it complied with the California Environmental Quality Act, 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, the CEC has considered the City of San Mateo's application, the executive director's recommendation, and all comments submitted on the application.

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

THEREFORE BE IT FURTHER RESOLVED, the CEC applauds the City of San Mateo 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 December 9, 2020, the CEC approves the City of San Mateo'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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE TOWN OF LOS ALTOS HILLS' LOCALLY
ADOPTED BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 589**

RESOLUTION: California Energy Commission (CEC) approval of the Town of Los Altos Hills' locally adopted building energy efficiency standards, Ordinance No. 589, 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 Town of Los Altos Hills adopted Ordinance No. 589 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 Town of Los Altos Hills submitted an application to the CEC for Ordinance No. 589 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 October 15, 2020; and

WHEREAS, the Town of Los Altos Hills, in its application to the CEC, indicated that it complied with the California Environmental Quality Act, 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, the CEC has considered the Town of Los Altos Hills' application, the executive director's recommendation, and all comments submitted on the application.

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

THEREFORE BE IT FURTHER RESOLVED, the CEC applauds the Town of Los Altos Hills 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 December 9, 2020, the CEC approves the Town of Los Altos Hills' 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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF REDWOOD CITY'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 2487**

RESOLUTION: California Energy Commission (CEC) approval of the City of Redwood City's locally adopted building energy efficiency standards, Ordinance No. 2487, 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 Redwood City adopted Ordinance No. 2487 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 Redwood City submitted an application to the CEC for Ordinance No. 2487 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 November 5, 2020; and

WHEREAS, the City of Redwood City, in its application to the CEC, indicated that it complied with the California Environmental Quality Act, 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, the CEC has considered the City of Redwood City's application, the executive director's recommendation, and all comments submitted on the application.

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

THEREFORE BE IT FURTHER RESOLVED, the CEC applauds the City of Redwood City 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 December 9, 2020, the CEC approves the City of Redwood City'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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Cody Goldthrite

Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION APPROVING THE CITY OF EAST PALO ALTO'S LOCALLY ADOPTED
BUILDING ENERGY EFFICIENCY STANDARDS, ORDINANCE NO. 07-2020**

RESOLUTION: California Energy Commission (CEC) approval of the City of East Palo Alto's locally adopted building energy efficiency standards, Ordinance No. 07-2020, 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 East Palo Alto adopted Ordinance No. 07-2020 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 East Palo Alto submitted an application to the CEC for Ordinance No. 07-2020 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 November 6, 2020; and

WHEREAS, the City of East Palo Alto, in its application to the CEC, indicated that it complied with the California Environmental Quality Act, 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, the CEC has considered the City of East Palo Alto's application, the executive director's recommendation, and all comments submitted on the application.

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

THEREFORE BE IT FURTHER RESOLVED, the CEC applauds the City of East Palo Alto 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 December 9, 2020, the CEC approves the City of East Palo Alto'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 December 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat