

DOCKETED

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CALIFORNIA ENERGY COMMISSION

In the matter of:

Energy Data Collection -)
Phase 2)
_____) Docket No. 18-OIR-01

RULEMAKING HEARING

REMOTE VIA ZOOM

FRIDAY, AUGUST 6, 2021

9:00 A.M.

Reported by:

Martha Nelson

APPEARANCES

COMMISSIONERS (AND ADVISORS) PRESENT:

Siva Gunda

Fritz Foo, Advisor to Commissioner McAllister

CEC STAFF

Amanda Poletti, Office Manager of the Data Integration and Policy Office

Alexander Wong, Energy Commission Specialist I

Heriberto Rosales, Energy Commission Specialist II

Jason Orta, Lead Natural Gas Hydraulic Modeler

Jason Harville, Executive Director, Energy Data and Analytics

Michael Nyberg, Supervisor, Supply Data Analysis Unit

Nicolas Oliver, Attorney, Office of Chief Counsel

PUBLIC COMMENT

Steve Uhler

James Bartlett

Michael Yaki, Petros PACE Finance

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P R O C E E D I N G S

9:00 A.M.

FRIDAY, AUGUST 6, 2021

MS. POLETTI: Good morning everyone.

Welcome to today's Rulemaking Hearing on the Phase 2 Title 20 Data Collection Regulations to support New Analytical Needs. My name is Amanda Poletti and I'm the Office Manager for the Data Policy and Integration Office.

Some notes about the purpose of this hearing today.

The Administrative Procedure Act authorizes the CEC to hold a public hearing in order to -- for the agency to receive oral statements, arguments, or contentions regarding the proposed regulations.

The CEC is permitted to impose reasonable limitations on the duration of oral presentations by the public.

CEC staff will first present on the proposed regulations, and then a public comment will open.

Comments will be transcribed and the transcript will become part of the rulemaking record.

1 The CEC must respond to relevant comments
2 that are directed at the regulations or the
3 procedures followed in proposing or adopting the
4 regulations in the Final Statement of Reasons.

5 This hearing is being held remotely
6 consistent with Executive Order N-08-21 to
7 continue to help California respond to, recover
8 from, and mitigate the impacts of the COVID-19
9 pandemic. The public can participate in the
10 hearing consistent with the direction in the
11 executive order.

12 Instructions for attending or
13 participating in this hearing were provided in
14 the notice and include both internet and call-in
15 options. The notice is available on the Energy
16 Commission's web page.

17 This hearing is being recorded. A copy of
18 this recording and a written transcript will be
19 available in a few weeks within Docket Number 18-
20 OIR-01. Copies of the presentations have been
21 docketed and have been posted on the CEC website.

22 There are seven different topic areas to
23 be addressed today, that will be presented in the
24 following order: Hydrogen, Biodiesel, and
25 Renewable Diesel Production Data; Property

1 Assessed Clean Energy, or PACE, Programs Data;
2 Natural Gas System Storage Data; California Code
3 of Regulations Section 1353, Modifications;
4 California Code of Regulations Section 1304, Wind
5 and Water Electric Generation Changes; then
6 there's General Regulation Language Updates.
7 Each topic area will consist of one presentation
8 from staff.

9 Public comments will be taken at the end,
10 after all presentations have been completed. If
11 making a public comment, please say your name and
12 state the subject you are addressing before your
13 comment.

14 There are two ways to make comments in
15 ZOOM, the raised-hand feature or the Q&A feature.
16 For the purposes of this hearing, we ask that you
17 use the raised-hand feature if you wish to make a
18 spoken comment during the comment period. During
19 that period, our staff ZOOM administrator will
20 announce the commenter and un-mute their line.
21 The commenter will then have 3 minutes to speak,
22 with the countdown displayed on the share screen.
23 Commissioners Gunda and McAllister, in his place,
24 is Fritz Foo today, will decide whether to extend
25 that period further if it goes over three

1 minutes.

2 We thank everyone for their participation
3 today. And with that, I will turn it over to
4 Commissioners Gunda for his opening remarks.

5 COMMISSIONER GUNDA: Good morning
6 everyone. Thank you, Amanda, so much for setting
7 the context for the hearing today.

8 I just want to take a moment to thank
9 Ryan Eggers, Caryn Holmes, Amanda Poletti, for
10 all of the work that you all have been doing, and
11 the entire team, to keep this regulation
12 development moving forward. I just want to note a
13 thanks to you, the three of you and, directly,
14 the entire team.

15 I also want to call our the individuals
16 that have led different areas, Alexander Wong,
17 Heriberto Rosales, Jason Orta, Jason Harville,
18 Michael Nyberg, and the support from CCO on just
19 moving this proceeding forward to help gather the
20 important information.

21 From my vantage point, I just want to
22 kind of share a couple of thoughts about the
23 importance of this. One of the foundational and
24 core functions of the CEC is to be the state's
25 data depository that can support situational

1 awareness and analysis to aid development and
2 implementation of State's energy and climate
3 policies. With the rapidly evolving nature of
4 our energy system, it is imperative. And it's
5 very important to gather relevant information to
6 aid and support decision making around the future
7 of the energy system.

8 So this collection of data that Staff are
9 recommending that we gather or streamline
10 processes is extremely important for us to be
11 able to do a good job in developing policy, and
12 also supporting the implementation of policies.
13 The CEC has to continually gather information,
14 streamline how we do it, and then also think
15 about how best we need to disseminate it.

16 So at large, it has been effort from the
17 executive office, and specifically under the
18 leadership of Jason Harville, to modernize the
19 way we gather information and disseminate it.
20 And I just want to note a thanks for all the work
21 that has been done there.

22 Also noted by Amanda, I think at the end
23 of the day, data is really to help develop
24 analysis. And so I'm looking forward to
25 listening to the conversation today, the

1 presentations, and the stakeholder comments. And
2 I also want to thank all the stakeholders for
3 your continuing engagement with all the staff in
4 helping shape these, and providing your feedback,
5 and look forward to the discussion.

6 And I'll pass it back to Amanda.

7 MS. POLETTI: All right. Thank you very
8 much, Commissioner.

9 Now, on behalf of Commission McAllister's
10 Office, we have Fritz Foo. If you care to join
11 and share some comments before we start our
12 presentations?

13 MR. FOO: Yeah. Thanks Amanda. And
14 thanks to all the staff for putting on the
15 hearing today, and the opening remarks from
16 Commissioner Gunda. Good morning everyone. My
17 name is Fritz Foo, Adviser to Commissioner
18 McAllister. And I'm here on his behalf this
19 morning to provide some additional opening
20 comments.

21 As the impacts of climate change become
22 increasingly severe, California requires a cogent
23 suite of policies that identifies and prioritizes
24 actions and investments. Robust and up-to-date
25 information about the energy system and relevant

1 marketplaces are critical for continued
2 development and management of these efforts.

3 The formal rulemaking we're kicking off
4 today will support the Energy Commission's
5 efforts to advance in several key areas,
6 including alternative transportation fuels,
7 third-party energy efficiency financing programs,
8 electricity and gas system planning, and
9 renewable generation integration.

10 Certainly, as the Energy Commission
11 collects more data to inform sound policymaking,
12 we recognize an obligation to protect and curate
13 that information, and ultimately use it as a
14 basis for developing partnerships across the
15 state with our sister agencies, local
16 governments, utilities, and market actors of all
17 tops.

18 The challenges of meeting our climate
19 goals and planning a clean energy system of the
20 future depends on our understanding of the
21 landscape today. We thank all the stakeholders
22 here for their engagement in helping to develop
23 these new data regulations and look forward to
24 continued input as the rulemaking proceeds.

25 With that, we're excited to get started.

1 And I'll pass the virtual back to you, Amanda.

2 MS. POLETTI: All right. Thank you very
3 much, Commissioner Gunda and Fritz for your
4 opening remarks.

5 So we're ready to get started. We're
6 going to begin with our first presentation. It's
7 going to be on Hydrogen, Biodiesel and Renewable
8 Diesel Production Data. And our presenter on this
9 is Alexander Wong.

10 MR. WONG: Good morning everybody. Good
11 morning Commissioners, stakeholders, and members
12 of the public. My name is Alexander Wong. I am
13 a Specialist at the Energy Commission in the
14 Energy Assessments Division. Today, I will be
15 presenting to you our proposed amendments
16 regarding data collection for hydrogen,
17 biodiesel, and renewable diesel fuels. Please
18 note that even though all three of these
19 proposals are presented in this group of slides,
20 they're separate amendments that will be codified
21 in separate sections. These industries are
22 grouped together due to analytical specifications
23 only. The justifications and requirements are
24 unique to each industry respectively.

25 We're going to take a brief dive into

1 background, talk about needs, then go over the
2 proposed amendments, requirements,
3 specifications, and the form for reach of these
4 fuels' data collections.

5 Next slide please.

6 I'm going to read off this slide briefly.
7 Public Resources Code sections 25301 through
8 25304, integrated -- that's our Integrated Energy
9 Policy Report section, directs the California
10 Energy Commission to conduct assessments and
11 forecasts on all aspects of California's energy
12 industry.

13 Currently, we collect data, we at the
14 Energy Commission collect data to complete and
15 publish our Integrated Energy Policy Reports and
16 updates on an ad-hoc case-by-case basis from
17 stakeholders.

18 I'm going to skip down and dive into
19 these bullet points.

20 Wider use of biodiesel and renewable
21 diesel. Retailers are blending more volumes of
22 biodiesel and renewable diesel each year. And
23 already, over ten percent of gallons of
24 (indiscernible) diesel is biodiesel or renewable
25 diesel. As blending limits change, more volumes

1 can be expected. Hydrogen fueling stations are
2 increasing, making hydrogen a more important
3 industry to track as hydrogen car fleet
4 increases.

5 Hydrogen separate from petroleum
6 refining, this falls a little bit in line with
7 the previous bullet point. Hydrogen productions
8 is historically done at units at petroleum
9 refineries, especially as producing cleaner
10 petroleum fuels to California Air Resources Board
11 Standards require more hydrogen. Today, these
12 facilities within the refineries have been spun
13 off or acquired by industrial gas providers that
14 have a broader base of customers. And these new
15 methods here that (indiscernible) electrolysis
16 and the scaling of this process towards being a
17 major producer of hydrogen.

18 Next slide please.

19 Let's see. I'll read these first two
20 bullet points and just elaborate on the next two.

21 Public Resources Code sections 25700 to
22 25705 direct the CEC, sorry, Energy Commission,
23 to study energy shortages and evaluate responses
24 to energy emergencies. Public Resources Code
25 section 25320(a) directs the CEC to manage a data

1 collection system for obtaining information
2 necessary to develop policy reports and analysis
3 for this and other studies and reports.

4 And let's here, bullet point three, this
5 sub-bullet point here, this is -- this bullet
6 point is about ample supplies during an
7 emergency. As biodiesel and renewable diesel
8 replace petroleum diesel, we, at the Energy
9 Commission, get tasked with examining supply
10 issues for petroleum supply issues to prepare for
11 critical times. So we're extending these
12 functions to the biodiesel and renewable diesel
13 as well.

14 Bullet point four, this point was laid
15 bare after the past events at Aliso Canyon, that
16 we were lacking the visibility to understand how
17 essential natural gas was to certain industries
18 outside of power generation.

19 For example, while petroleum industries
20 did not have to worry about natural gas
21 curtailment to run their own equipment, some of
22 the hydrogen producers that they were relying
23 upon did face possible curtailment. As hydrogen
24 becomes a primary transportation fuel, this
25 concern grows even more so.

1 So this data set would give the Energy
2 Commission more of an understanding of how
3 critical this (indiscernible) is.

4 Next slide please.

5 So I've talked a little, why we need
6 reporting from the biodiesel, renewable diesel,
7 and hydrogen industries. This slide is just a
8 high-level highlight about what we're asking
9 these industries to report. Inputs of
10 feedstocks, production of products, shipments of
11 byproducts, storage of products. And then we're
12 looking to make our data set uniform and
13 comparable to other data sets, namely the current
14 fuels data sets that we work with.

15 So you know, the purpose of hearings like
16 this is to create and fine tune our definitions
17 so we can create a uniform reporting period for
18 this data.

19 Next slide please.

20 So going forward, we're going to talk
21 about the proposed amendments for biodiesel and
22 renewable diesel. We'll also talk about --
23 pardon me here -- we're going to talk about the
24 requirements and justifications and common
25 language. Again, from earlier, biodiesel and

1 renewable diesel, even though they're presented
2 together here, they will have distinct sections
3 in the code that each come with their own
4 respective sets of definitions, but that's to
5 respect the state's other concerns.

6 Any further concern about how we're
7 technically distinguishing these fuels, we're
8 incorporating definitions from the Department of
9 Food and Agriculture, their Division of
10 Management Standards.

11 Next slide please.

12 Okay, I'm only going to read one side of
13 this, since both sides are very similar. So any
14 industrial plant that processes biomass feedstock
15 and produces more than 84,000 gallons of
16 biodiesel during any month of the current or
17 preceding calendar year shall file monthly
18 reports containing all of the information
19 specified. Please note, these volume
20 requirements that are bolded, this is in gallons.
21 In barrels, this requirement is 2,000 barrels per
22 month. It's a good example of what I mentioned
23 earlier.

24 This, what you see here, is actually
25 adapted from the definitions and the actual

1 language. The codified language would be more
2 like any industrial-scale biodiesel plant as
3 defined in section et cetera.

4 So this is -- this number is one of those
5 pieces that we're looking to hone in and get
6 feedback from stakeholders for the appropriate
7 measure.

8 Monthly reporting helps us line this data
9 up with petroleum reports.

10 And, let's see, next slide.

11 So the data specifications for biodiesel
12 and renewable diesel, we specify the forms EIA-
13 819 from the Energy Information Administration.
14 They collect, right now, biodiesel and renewable
15 diesel data from producers using this form, so we
16 would be using that format.

17 We're also looking to collect the amount
18 of feedstock. According to LCSF pathways used to
19 produce the biodiesel or renewable diesel. And
20 then the distributions of products, whether
21 that's direct sale to customers full sale or for
22 export outside of California.

23 Next slide please.

24 So this slide loosely describes the EIA-
25 819 Form. Right now, the 819 Form would be

1 become our platform to start reporting on. This
2 form covers biodiesel, renewable diesel,
3 renewable jet fuel and oxygenates. It reports
4 production, inventory, and shipment data of those
5 above mentioned fuels. And we're looking to,
6 basically, have this form forwarded over to us.

7 Next slide please.

8 So we're going to talk about hydrogen in
9 this section, again, the amen, some needs, and
10 requirements in the form.

11 Next slide.

12 Okay, the slide adapted -- or the
13 language adapted for this slide states, "Each
14 hydrogen plant that produces more than 10,000
15 kilograms of on-purpose hydrogen during any month
16 of the current or preceding calendar year located
17 within California shall file monthly reports
18 containing all of the information specified. So,
19 again, we have this definition that gives us this
20 threshold, 10,000 kilograms. Similar to before,
21 it would read more like an industrial-scale
22 hydrogen plant as defined in section et cetera.
23 This monthly, again, monthly reporting helps us
24 line this up with petroleum reports, especially
25 as petroleum remains a predominant user of

1 hydrogen, monthly reporting probably lines up the
2 best.

3 Next slide.

4 So here are the data specifications for
5 hydrogen producers.

6 Kilograms of on-purpose hydrocarbons and
7 liquid hydrogen produced each month at the
8 facility.

9 Inventory levels of on-purpose hydrogen
10 in kilograms at the beginning of each -- sorry,
11 at the beginning and end of each month.

12 The type of chemical feedstock used to
13 produce hydrogen. Feedstock includes methane and
14 water for steam, methane reformation. For
15 hydrogen produced by water, electrolysis, the
16 feedstocks of both water and electricity use, the
17 amount of feedstock and inputs used to produce
18 the hydrogen, and the amount of on-purpose
19 hydrogen in kilograms distributed towards
20 petroleum refineries, hydrogen fueling stations,
21 or other purposes.

22 So feedstock can be straightforward or
23 complex, depending on whether or not the
24 feedstock is renewable. As low-carbon fuel
25 standard pathways elaborate more on the expanding

1 possibilities for hydrogen fuel production and
2 feedstock split (phonetic), it's important to
3 find out where hydrogen is going as well.
4 Looking at shipments to refineries helps us from
5 an operational analysis point of view for
6 petroleum, as well as the raw hydrogen being
7 (indiscernible).

8 Let's see. Next slide.

9 Again, I'm Alexander Wong, Energy
10 Commission Specialist. This slide has my email
11 address here at the Energy Commission. My
12 expertise is mainly technical usage and
13 implementation for these amendments. We have
14 additional contacts because this is spanning many
15 fuels. For biodiesel and renewable diesel
16 concerns, specific ones, there's Hieu Nguyen.
17 His email is provided at the lower left. And for
18 specific hydrogen concerns, there's Jane Berner.
19 That's her email provided at the lower right.

20 Thank you for allowing us -- me this time
21 to present. And next will be Proposed Amendments
22 for the Title 20 Data Collection with Eddie
23 (phonetic) Rosales. Thank you.

24 MR. ROSALES: (Indiscernible.) Well,
25 Good morning, Commissioner Gunda. Good morning

1 everyone attending today's workshop. My name is
2 Heriberto Rosales. I'm an Energy Specialist in
3 the Efficiency Division here at CEC.

4 So my presentation today will cover
5 updates to proposed regulations on data
6 collection and statewide PACE Projects serving
7 buildings in the energy efficiency sector.
8 Formal comments should be submitted to the
9 docket, 18-OIR-01.

10 Next slide please.

11 So as a way of background, why collect
12 PACE data? Well, PACE Programs provide financing
13 options to residential and commercial building
14 owner for clean energy installations. These
15 sectors, the residential and nonresidential
16 buildings, provide key ways to achieving the
17 state's energy efficiency goals.

18 PACE Program and project data will
19 determine how energy consumption and savings are
20 happening by locality. It's granular but useful
21 data. Ultimately, the data will form future
22 energy efficiency programs and help California
23 meet its climate goals. The data may be used for
24 mapping aggregated savings for specific customer
25 sections, such as disadvantaged or low-income

1 communities.

2 Next slide please.

3 The Express Terms for data rulemaking are
4 filed in the docket log, 18-OIR-01. And the
5 transcript number is 238242, for those who are
6 interested. If you're interested in knowing
7 whether regulations will be filed, access to
8 California Code of Regulations Title 20, Public
9 Utilities and Energy, Division 2, State Energy
10 Resources Conservation and Development
11 Commission, Chapter 3, Data Collection, Section
12 1312.

13 Next slide.

14 So here are the regulations for the
15 published Express Terms. I'm going to point out
16 the regulatory language changes from the draft to
17 the proposed.

18 After input from stakeholders, we changed
19 the annual reporting date to September 15. This
20 is a change from the draft regulations. And,
21 also, beginning in 2022 there were changes.
22 Program administrators shall report the program's
23 previous fiscal year's annual investments in
24 energy efficiency programs. For sections one
25 through three that you see here, the sections

1 remain the same, section one, program name, item
2 two, sector indicator, same thing, specific
3 whether it's a residential or nonresidential
4 program, and item three here is project
5 identification. All remain the same.

6 Next slide.

7 So item four through six also remain the
8 same. So item four is the APN, the assessor's
9 parcel number. Item five is the, again, project
10 address for the project, for the PACE project,
11 excuse me. Item six here is, again, just the
12 project start date in the month, day, and year
13 format.

14 Next slide.

15 Here are the remaining proposed reporting
16 items. Again, these items received no changes
17 based on comments and working with the many
18 stakeholders. Item seven here, as you see, is
19 project completion date. Item eight is just the
20 measure type for the PACE Programs. Those can be
21 anywhere from lighting, HVAC, domestic hot water,
22 or enclosure, as well as self-generation which
23 includes rooftop PV. And item -- actually, that
24 is -- and item nine is a renewable energy self-
25 generation indicator. So, again, these items

1 received no change from the draft regs.

2 Next slide.

3 So for these sections, these are new
4 sections but these are really clarifying
5 sections. So we clarified the definition of PACE
6 Programs, and also for PACE Program
7 administrators. So section (b), as you see up
8 here, the PACE Program has the same definition as
9 you would find in the California Financial Code
10 section 22016. So it's listed here for your
11 reference. I won't read it off. Again, this is
12 just for reference.

13 But under the California Financial Code,
14 the PACE Program is a program in which financing
15 is provided for the installation of efficiency
16 improvements on real property, and funded for the
17 use of property assessments.

18 Next slide.

19 In section (c), which was also added to
20 clarify the definition for PACE Program
21 administrator, includes an person identified
22 under California Finance Code section 22018. And
23 the staff's goal here was to have a definition
24 for PACE Program administrator that includes
25 residential, multifamily, commercial, ASPAs

1 (phonetic), and local agencies, also, who are
2 administering PACE Programs.

3 Next slide please.

4 So for reference, again, I share, like
5 some of the other presenters, the rulemaking
6 docket is still open, so feel free to submit your
7 comments regarding the PACE, well, the PACE
8 regulations. You'll also find the NOPA there, of
9 the Notice of Proposed Action. You'll find the
10 Initial Statement of Reasons that are supporting
11 these regulatory changes, along with the Express
12 Terms. And this presentation will be docketed if
13 anyone wants to return to it to find these
14 documents.

15 Next slide please.

16 So if anyone has direct questions or
17 comments for me, I'm working with -- I am working
18 very closely with Fritz on this section of the
19 rulemaking. Here's my contact information. Feel
20 free to use it.

21 Other than that, this concludes my
22 presentation on the Updates for the PACE
23 Regulations. And I'm going to be turning it over
24 to Jason Orta now for the next presentation.

25 Jason?

1 MR. ORTA: Thank you. Good morning. My
2 name is Jason Orta and I am the Lead Natural Gas
3 System Hydraulic Modeler for the California
4 Energy Commission.

5 Next slide please.

6 So in this presentation about proposed --

7 MS. POLETTI: Jason, you're cutting in
8 and out a bit.

9 MR. ORTA: Oh, okay. Sorry.

10 MS. POLETTI: That's okay. If you want
11 to turn off your video, that would be fine.

12 MR. ORTA: Okay. Is that better?

13 MS. POLETTI: Yes.

14 MR. ORTA: Okay. Thank you.

15 MS. POLETTI: I'll let you know. It was
16 better. Now we can't hear you at all.

17 MR. ORTA: Okay. Can you hear me?

18 MS. POLETTI: I can hear you now.

19 MR. ORTA: Okay. All right. Thanks.

20 COMMISSIONER GUNDA: Amanda and --

21 MS. POLETTI: Yeah?

22 COMMISSIONER GUNDA: -- Jason, Jason you
23 might, if you're on the internet, you might what
24 to consider moving to a phone line.

25 MR. ORTA: Okay.

1 COMMISSIONER GUNDA: It might be helpful.

2 Yeah.

3 MS. POLETTI: Okay.

4 MR. ORTA: Yeah. If you can --

5 MS. POLETTI: We can --

6 MR. ORTA: -- just give me a second and
7 I'll be back on?

8 MS. POLETTI: How about we move on to our
9 next presentation, and then we'll come back on to
10 you. You can let me know when you're ready.

11 MR. ORTA: Okay. Great. Thanks.

12 MS. POLETTI: Okay. Thanks Jason.

13 So next up we have Updating Disaggregated
14 Demand Data with Jason Harville.

15 MR. HARVILLE: Okay. Thank you very
16 much, Amanda. So I'm Jason Harville. I'm our
17 Assistant Executive Director for Energy Data and
18 Analytics. And like Commissioner Gunda
19 mentioned, I'm responsible for a lot of our data
20 modernization efforts and the large-scale data
21 collection under Title 20 section 1353.

22 Next slide please.

23 I just want to give a bit of background
24 here to understand the context of the changes
25 we're proposing. So section 1353 is large-scale

1 disaggregated demand data, which means interval-
2 level meter data when interval-level data is
3 available from smart readers. It was implemented
4 in Phase 1. It covers our six largest utilities
5 across gas and electric that's based on a
6 threshold. And this granular disaggregated data
7 is needed for a number of analytic requirements
8 that we have, like those in SB 350.

9 And in order to bring in data of this
10 scale, we've had a longstanding working group
11 between the CEC Staff and -- which is me, and
12 also technical staff from each of the six
13 utilities involved. And so over the course of
14 this we've, essentially, gone through the
15 regulation as it exists with a fine-tooth comb
16 and translated that into actual bites, rows and
17 columns of data. And in doing so the group has
18 identified a number of things that could be made
19 better in some ways.

20 So next slide please.

21 I'm going to talk you through,
22 essentially, some broad categories of what we're
23 changing here. But the bigger takeaway here is,
24 if you're from one of those six utilities here,
25 nothing in the proposed changes should be a

1 surprise to you. These are all things that the
2 group collaboratively worked together and decided
3 were needed for one of these reasons that I'm
4 going to go through. So I'll talk through the
5 broad categories here.

6 There are just some basic typos and
7 terminology that's either unclear or
8 inconsistent, or just to be made better. So
9 there's, basically, just come clarity cleanup
10 going on there, nothing substantive.

11 The reporting schedule, the state is
12 very, very vague. So some of the utilities
13 actually requested to submit data more
14 frequently. The schedule right now is quarterly
15 reporting, and it's written in a pretty rigid way
16 in the existing regulation. So in the proposed
17 changes, we've essentially opened that up for
18 some more flexibility and some more clarity so
19 that utilities can submit data in smaller chunks,
20 and which makes it less of a burden on them and
21 less on us so we're not encountering bandwidth
22 issues. So clearer and more flexibility
23 reporting schedule.

24 We identified, in the process of this,
25 data that is listed in 1353 but which is already

1 being collected by the Energy Commission in one
2 of the other data collection efforts that we
3 have. So in an effort to be efficient and avoid
4 redundancy, we've removed those things, and the
5 Energy Commission will just tie its own data
6 together on the back end and not ask the
7 utilities to submit twice.

8 There are a number of data fields where
9 the utilities have it in one format but the
10 regulation language implies another format. And
11 so asking the utilities to translate to another
12 format is, first of all, something that we don't
13 have the authority to do. We can collect the
14 data as they happen. And, also, it's just
15 inefficient.

16 So when there are cases where the utility
17 has the data in one format, a good example is how
18 they measure interval readings on a smart reader.
19 We changed the regulations to allow them to
20 submit it as they collect it. So in that
21 example, you could have -- to define an interval
22 time that you have a meter reading on, you could
23 have a start time and end time and a duration of
24 time, but you only need two of those. The
25 regulation asks for two of them, of the three.

1 The utilities have, natively, a different set of
2 the two. So it's no difference from us. We're
3 getting the same information ultimately. It's
4 just more efficient in collecting in the native
5 format that the utilities themselves store the
6 data.

7 All right. Contextual data. There were
8 instances where we ran into areas of the existing
9 data collection where something would be
10 ambiguous, or we wouldn't be able to know, for
11 example, what a data field that the utility is
12 submitting actually means without a little more
13 contextual information, so we've added a few
14 contextual fields.

15 A good example of this is identifying
16 when a bill charge being reported is a NEM
17 customer, or if there is some kind of alternative
18 provider, like a community-choice aggregation, or
19 something like that. So there are a few
20 contextual data fields that help ensure that, as
21 the utilities report data, that we know what
22 they're reporting and it's not ambiguous.

23 And then, finally, in the point of
24 clarifying, of clearing up ambiguity, we made the
25 language around energy efficiency more robust.

1 And we also clarified that the utilities who are
2 already submitting this energy efficiency data to
3 the Public Utilities Commission, so this is the
4 investor-owned utilities, don't need to report it
5 to us as well. We will get that energy
6 efficiency data from the PUC as needed.

7 So bottom line of all of this, this is a
8 collaborative effort with the utilities. These
9 should all be items that the utilities have
10 talked through with us. And the main goal here
11 is to just increase efficiency and clarity in
12 this data collection effort, which is especially
13 important for this just given the very large
14 scale, terabyte scale of the data that's being
15 submitted.

16 Next slide. Okay.

17 This is my contact information. You can
18 reach out to me directly, although I know in the
19 chat, Amanda is describing the more formal
20 process for public comments. But anyone involved
21 in this effort, if you'd like to talk further,
22 here I am. Thank you.

23 I'll be handing -- Amanda, are we
24 going --

25 MS. POLETTI: Yeah. Yeah.

1 MR. HARVILLE: -- back to Jason Orta now?

2 MS. POLETTI: Yes, Jason is back on. So
3 he is going to now share with us about the
4 Natural Gas System Storage Data.

5 MR. HARVILLE: Okay. Thank you.

6 MS. POLETTI: Thank you.

7 MS. ORTIZ: Thank you. Good morning
8 everybody. Sorry for my internet being a little
9 wonky this morning. We'll give this a try again.

10 MS. POLETTI: Yeah.

11 MR. ORTA: Again, my name is --

12 MS. POLETTI: We can hear you now.

13 MR. ORTA: Can you hear me?

14 MS. POLETTI: Yes. We can hear you now.

15 MR. ORTA: Okay. My name is Jason Orta
16 and I am the Lead Natural Gas System Hydraulic
17 Modeler for the California Energy Commission.

18 Next slide please.

19 So in this presentation, I'm going to
20 talk about the existing regulations, the data
21 that we already collect, a little bit on the
22 proposed regulations for underground gas storage
23 data, and finally discuss some potential uses for
24 that.

25 Our current regulations, which we updated

1 in the last go around, require large natural gas
2 utilities, PG&E and SoCalGas, to annually submit
3 hydraulic models to the Energy Commission for the
4 following scenarios, average summer days, average
5 winter days, and high-demand days. These
6 submittals receive automatic confidential
7 designation if certain conditions are met.

8 Next slide please.

9 The proposed regulations require the
10 owners of underground natural gas storage
11 facilities to submit the following daily
12 information on a quarterly basis, base gas,
13 working gas, total gas in storage, withdrawals,
14 and injections. These submittals would receive
15 automatic confidential designation if certain
16 conditions are met.

17 The data that we are requesting under
18 these regulations is already being collected by
19 underground natural gas storage facilities and
20 reported in aggregated -- in an aggregated form
21 for EIA filings to the Department of Energy. And
22 they are -- the aggregated versions of this data
23 is posted on utility websites.

24 Next slide please.

25 The CEC will use this data to analyze how

1 storage facilities respond to gas system
2 conditions on certain days. As the energy system
3 changes, these changes are seen hourly, for
4 example, the ramping of natural gas plants during
5 the late afternoon and evening. This would help
6 us to better understand what's going on in the
7 gas and electricity system during these hours.

8 And to go at that analysis, this data can
9 be used as an input to gas balance in hydraulic
10 models to enhance that understanding. And as I
11 alluded to earlier, this would help us better
12 understand the interdependency between natural
13 gas and electricity systems. As underground gas
14 storage facilities have been subject to receive
15 changes to state and federal regulations, this
16 will help us assess those impacts.

17 Additionally, this analysis of this data
18 can help us evaluate the need for future gas
19 infrastructure changes. And this can -- the
20 analysis of this data can provide input and
21 support findings in future Energy Commission
22 Integrated Energy Policy Reports.

23 Next slide please.

24 So here is my email address, if there are
25 any more questions about the proposed

1 regulations. And I will hand this back to
2 Amanda.

3 MS. POLETTI: Okay. Thank you, Jason.

4 And now we are moving on to Michael
5 Nyberg, who is going to present on the wind
6 and -- the wind and water electric generation
7 changes.

8 The floor is yours, Michael.

9 MR. NYBERG: Great. Thank you, Amanda.
10 Can you hear me okay?

11 MS. POLETTI: Yes, I can.

12 MR. NYBERG: Okay. Good. Good. All
13 right. Good morning Commissioner Gunda. Good
14 morning everyone. As mentioned, my name is
15 Michael Nyberg and I am presenting an overview of
16 the changes to the QFER Power Plant Reporting
17 Regulations.

18 Next slide please. All right.

19 My goal guiding the proposed changes is
20 to amend the regulations to eliminate redundant
21 data reporting and restrict reporting to only
22 information that supports the Energy Commission's
23 business needs.

24 Next slide please.

25 To achieve this goal, we have identified

1 the following key steps.

2 One, integrate renewable and nonrenewable
3 reporting under a single set of regulations as
4 they are currently in two separate sections.

5 Two, align reporting requirements with
6 business needs. We have done this by restricting
7 water data reporting to CEC jurisdictional power
8 plants, adding identifiers to enable cross-
9 referencing with other data sources, matching
10 utility reporting under 1304(b) with section
11 1353, Interval Meter Data Collection, and
12 removing regulations where data is available from
13 other sources.

14 And finally, three, engage with
15 stakeholders to solicit feedback throughout the
16 process.

17 Next slide please.

18 Here's our roadmap for the revisions.

19 Section 1302 covered definitions.

20 Section 1304(a)(1) and (2) cover power
21 plant reporting for plants with a nameplate
22 capacity of one megawatt or larger.

23 Section 1304(a)(3) covers Environmental
24 Information, specifically water usage, avian and
25 aquatic takes, and Notices of Violations.

1 Section 1304(b) covers utility
2 distribution companies and their reporting of all
3 generators within their service territory.

4 And finally, section 1381 through 1389
5 which covers the Wind Performance Reporting
6 System, or WPRS.

7 Next slide please.

8 In this Definition section, we have
9 amended some definitions to account for specific
10 details about wind facilities. We have also
11 added new definitions for hub height, rated wind
12 speed, and rotor area as they apply specifically
13 to wind generation.

14 Next slide please.

15 Under section 1304(a) for Power Plant
16 Reporting, we are incorporating specifications
17 about wind generation from sections 1381 through
18 1389. We have updated descriptions of existing
19 fields, such as the number of wind turbines in a
20 dispatched group, analogous to a generating unit
21 within a multi-unit power plant. For all power
22 plants, we are requesting the reporting of
23 identifiers, such as control area operator,
24 WREGIS ID, latitude and longitude, and make and
25 model of the electric generator.

1 Next slide please.

2 Section (3) (A) is part of our
3 Environmental Data Collection covering water
4 usage. Currently, all power plants rated 20
5 megawatts and larger are required to report water
6 usage annually. The proposed regulations limit
7 reporting to CEC jurisdictional power plants,
8 specifically natural gas plants rated 50
9 megawatts and larger, solar plants rated at 50
10 megawatts and larger, and geothermal power plants
11 of any nameplate capacity rating. We are also
12 adding specifics about the type of water,
13 identification of the water rights permits, and
14 the destination of the discharged wastewater.

15 Next slide please.

16 Section (3) (B) covers the reporting of
17 copies of reports from other agencies about the
18 biomass composition of species killed by once-
19 through cooling systems, as well as avian and
20 aquatic takes. We are proposing to drop this
21 language and collect the information directly
22 from the other agencies as needed.

23 Next slide please.

24 Section (3) (C) of our environmental data
25 collection requires the reporting of copies of

1 Notices of Violation by power plant owners. Like
2 section (3)(B), we are also proposing to drop
3 this language and collect the information
4 directly from the primary agencies that issued
5 the Notices of Violations, as necessary.

6 Next slide please.

7 Section 1304(b) applies to utility
8 distribution companies and requires the reporting
9 of all power plants and energy storage systems
10 within each utility's service territory. The
11 proposed changes will limit the reporting of the
12 service account number, the premise ID, and the
13 meter ID to only those utilities required to
14 report under section 1353. This change will
15 limit reporting of these elements to the five, or
16 as I think I heard Jason mention earlier, six
17 largest utilities currently required to report
18 under section 1353. So we're basically aligning
19 the collection of 1304(b) with section 1353.

20 All utilities of any size will continue
21 to report the rate schedule as applicable to each
22 listing. The rate schedule is used to support
23 the estimation of self-generation for the demand
24 forecast.

25 Next slide please.

1 Currently, sections 1381 through 1389
2 overlap with 1304 reporting requirements. Under
3 both sections, wind plant owners are required to
4 report monthly and annual data but with different
5 minimum reporting thresholds. We are proposing
6 to remove sections 1381 through 1389 entirely as
7 their content are now only implemented within
8 section 1304 reporting. Owners and operators of
9 wind facilities will continue to use the online
10 Wind Performance Reporting System. However, wind
11 energy purchasers will no longer be required to
12 report with the removal of these regulations.

13 This change maintains consistency in
14 reporting for all forms of power generation with
15 no additional reporting requirements for users of
16 renewable energy. This change will also align
17 the minimum reporting threshold to one megawatt.
18 Sub one-megawatt wind capacity plants are covered
19 by the semiannual reporting under section
20 1304(b). Staff can estimate generation for these
21 smaller plants through periodic surveys as
22 needed.

23 Next slide please.

24 Throughout this process, we have strived
25 to engage with stakeholders. Initial informal

1 outreach was made in late August 2020, with
2 additional outreach in mid October. The October
3 outreach included incorporating information about
4 the rulemaking into our quarterly reporting
5 reminder notices. As you see, additional
6 outreach was done last month to encourage
7 everyone to participate today.

8 Next slide please.

9 This concludes my presentation. I will
10 now turn it over to Nick Oliver for the next
11 presentation. Thank you for your time.

12 MR. OLIVER: Good morning Commissioner
13 and members of the public. I am Nick Oliver, an
14 Attorney in the CEC's Office of Chief Counsel.
15 And I will be presenting on the remaining
16 portions of the Quarterly Fuel and Energy Report
17 Regulations, also known as QFER, in the proposed
18 regulations, as well as the various changes to
19 the sections in Title 20 concerning a disclosure
20 of Energy Commission records.

21 Next slide please.

22 Aside from the portions of QFER noted by
23 Michael, the proposed regulations also make minor
24 changes to the following sections of Title 20.

25 In section 1303 subdivision (f), we've

1 proposed revisions to simplify the process for
2 reporting entities to obtain extensions to
3 reporting deadlines from the Energy Commission's
4 Executive Director.

5 In Section 1303 subdivision (i), we've
6 proposed revisions to allow the use of
7 alternative filings when a report submitted to
8 another agency contains the same information that
9 is required to be reported to the CEC.

10 And in 1303 subdivision (n) (phonetic),
11 we have proposed this section for deletion
12 because it is obsolete in light of the adoption
13 of section 1353 of Title 20 in Phase 1 of this
14 rulemaking.

15 Also, section 1306(a)(1) is being
16 modified to require UDCs to specify the type of
17 load-service entities for which they provide
18 distribution services in quarterly reports under
19 this article, such as community-choice
20 aggregators or electric service providers.

21 In section 1306(a)(5), modifications have
22 been proposed to note that reports under this
23 section will not be required for UDCs reporting
24 under section 1353 after Rebecca Chavez 15th,
25 2022.

1 In section 1307, we've also included a
2 sunsetting clause for gas utilities that are
3 subject to that section and will be reporting
4 under section 1353. This one specifies that this
5 new section sunsets for these entities after all
6 2022 reports are submitted.

7 Section 1308 includes a language change
8 from the use of NAICs codes to customer
9 classification codes in the required reports
10 under this section. And it also includes a
11 comparable sunsetting provision that's similar to
12 that in 1306.

13 Finally, section 1311 eliminates
14 redundancy in the regulations by eliminating a
15 specific report that was required of local
16 publicly-owned electric utilities and replacing
17 it with a requirement to provide the comparable
18 report, which is already required under state law
19 and Public Utilities Code section 9505.

20 Next slide please.

21 As iterated in this slide, section 1342
22 of Title 20 contains some more streamlined
23 process changes. And these are identical to the
24 areas that were -- the three that were discussed
25 in a prior slide for section 1303, so I'm not

1 going to walk through each of them again here.

2 Next slide please.

3 So this is the first slide dealing with
4 Chapter 7, Article 2 of Title 20. And this is
5 specifically focused on the procedures for public
6 disclosure and confidential designation of Energy
7 Commission records. In this slide, we addressed
8 section 1502 [sic], which is the scope section of
9 these regulations. And this section proposes to
10 add a blanket provision that simply notes that
11 nothing in this article requires the disclosure
12 of a record that is otherwise exempt from
13 disclosure under state law.

14 And in section 2504, which is the
15 inspection and copying provision in this article,
16 we're actually proposing this section for
17 deletion in its entirety. And the justification
18 for this is that it contains several provisions
19 of updated language which implies that these
20 requests are being handled in the, primarily,
21 paper copies. And because our requests and
22 responses for records, and you'll hear all this,
23 are electronic now, this section was needed to be
24 updated. And it also had certain deadlines that
25 could be construed from it that were not imposed

1 by the Public Records Act. And so we felt that
2 it was simpler to allow the Government Code
3 provisions in the Public Records Act to supply
4 the specific procedures, and it was not necessary
5 to keep this regulation.

6 Next slide please.

7 Section 2505 concerns the designation of
8 confidential records, and we've proposed two
9 changes, primarily, on this slide. These focus
10 on provisions that have proven to be unnecessary
11 over time.

12 The first is the proposed deletion of
13 subdivision (c)(1) which regards the summarizing
14 of records designated as confidential in business
15 meeting agendas, because this is not required
16 under state law of the Public Records Act.

17 Similarly, we've proposed the deletion of
18 subdivision (e) here, and this regards preparing
19 a list of confidentially-designated records for
20 Commissioners. This is also not required under
21 the Public Records Act and it's inconsistent with
22 historic practices.

23 Next slide please.

24 In section 2507, which concerns the
25 disclosure of confidential records, subdivision

1 (e) is being proposed for addition here to
2 address a problem that currently exists in which
3 there is no expiration date for confidential
4 designations that are automatically applied to
5 certain data reported to the Energy Commission.
6 This is inconsistent with section 2505(a)(1)
7 which concerns the discretionary confidential
8 designation process and requires that requesters
9 identify the date after which records are no
10 longer likely to warrant confidential status.

11 The proposed changes in subdivision (e)
12 include expiration timelines in the subdivision
13 that were developed by CEC Staff that's familiar
14 with this information and its potential value in
15 energy markets, and the chosen expiration dates
16 for electricity, natural gas sale -- and natural
17 gas sales data, load and retail price forecasts,
18 fuel price data, and hourly generation data are
19 intended to reflect a sufficient passage of time
20 for this data to no longer derive commercial
21 value from its confidential status.

22 In subdivision (f), this section
23 concerns -- or addresses the disclosure of
24 confidential data that has been masked or
25 aggregated through use in reports or other

1 records created by the CEC. As noted in this
2 section, the major change or the main changes
3 include subdivision (f)(1)(A) where we have added
4 section 1306(a)(4) data to this group because it
5 is identical to the other categories of data was
6 to here.

7 In subdivision (f)(1)(A)1 through 6, we
8 just have a language change to replace "a major
9 customer sector" with "customer sector."

10 In subdivision (f)(1)(A)7 through 8,
11 we've deleted the obsolete reference to
12 "California Employment Development Department
13 groupings" and substituted three-digit NAICs
14 codes in these subdivisions.

15 And then in subdivision (f)(2), we've
16 replaced a lengthy process for the creation of
17 records' reliance on aggregated or masked forms
18 of confidential data and substituted a more
19 general catchall provision here. This new
20 provision does not create any new category of
21 records that are subject to disclosure but it
22 rightfully notes that any reports or records that
23 are reliant on confidential data must mask,
24 aggregate, or anonymize that data, as necessary,
25 to protect the confidentiality of any underlying

1 data. And this is more aligned with existing law
2 under the Public Records Act because it correctly
3 acknowledges that the CEC, rather than filers of
4 records, are responsible for determining a Public
5 Records Act compliance.

6 And then finally, in subdivision (g)(2)
7 and (3), these changes correct an inadvertent
8 omission in this section. We omitted to include
9 that a record that is freely available to the
10 public due to an act of the filer or another
11 agency is no longer a confidential record and,
12 therefore, may be released by the CEC without
13 masking or aggregation or other steps to preserve
14 the records, called initial (phonetic) status
15 because, obviously, in this case, it would not
16 longer be a confidential record.

17 Next slide please.

18 Thank you for your time here. And I will
19 hand it back now to Amanda for any final remarks
20 from Commissioner Gunda and the commencement of
21 public comment.

22 MS. POLETTI: Thank you very much, Nick.
23 So thank you to all of our presenters. That does
24 end our presentation period.

25 And before I open up the floor for

1 comments, Commissioner Gunda, do you have
2 anything further to add?

3 COMMISSIONER GUNDA: No. Thank you,
4 Amanda. I think those presentations are very
5 clear. And I have been mostly briefed on these
6 things, so I've been following the development of
7 that. So I would love to hear comments from the
8 stakeholders, so back to you.

9 MS. POLETTI: Okay. Great. Then we are
10 ready to move on to our comment period.

11 So each commenter will have three minutes
12 to speak. Please use the raised-hand feature to
13 indicate you wish to make a comment. I'll
14 announce the names of each commenter. Once I
15 announce your name, you'll be able to un-mute
16 yourself. When you comment, please introduce
17 yourself using your full name and your
18 organization, and also note the presentation that
19 you are commenting on.

20 And first up we have a phone number, not
21 a name, so if you can please say your name when
22 you're un-muted? The last three digits are 385.

23 MR. UHLER: Can you hear me?

24 MS. POLETTI: Yes, I can.

25 MR. UHLER: This is Steve Uhler --

1 MS. POLETTI: Okay.

2 MR. UHLER: -- U-H-L-E-R. Overall, a
3 notion on these regulations. I'm hoping that
4 they will provide identification and traceability
5 of all these inventories that you seem to be
6 tracking here.

7 So I'll take the first item of 1353. I'm
8 wondering what's happening with Docket 18-MISC-05
9 which was a workshop that I attended. And I was
10 hoping to get samples of this so-called
11 disaggregated data and that's seems -- that
12 docket seems to be dead right now. I'm looking
13 to get the samples, or at least data structures,
14 so I can complete my work on analyzing that data.

15 Okay, now we'll move on to 1304, having
16 to do with power plants identification. There's
17 a couple of things. And the one thing that
18 arrived recently was somebody wanting to change
19 the name of a power plant. There seems to be no
20 connectivity. They're willing to approve this
21 name change, that's the Energy Commission. And
22 the name that they were changing from is not even
23 in the QFER database. And it is an item here in
24 Sacramento County that the QFER and EIA both have
25 a different name for it, I'm guessing at, and

1 that's coming from a person who's studied this
2 for a few years. That's the only way I would
3 know that that's possibly that power plant. So
4 traceability has to be maintained.

5 Let's see. And as far as
6 confidentiality, I've been told that I can't get
7 a list from the Energy Commission with GPS
8 locations, latitude and longitude, because
9 whoever submitted it to the Energy Commission
10 says its confidential. Well, it looks like
11 1507(G)2 through 3 will now remind people that if
12 it's been published by anybody it's no longer
13 confidential. And I'm looking to get that data
14 set through.

15 It also appears that there's a number of
16 systems, and this is very important because we're
17 talking about inventory control, and that failed
18 about a year ago when we shut off power to
19 people, and traceability issues, people exporting
20 power out of Cal ISO while they were claiming
21 they didn't have enough power people. We need to
22 get on the stick and make sure that all of these
23 data systems have all of the data. There's over
24 500 items in QFER that list missing EIA data, ID
25 numbers. That should not exist at all. I've

1 contacted Mr. Nyberg on this and his replies lead
2 me to believe you guys don't have time to do
3 this.

4 This needs to be done. There's,
5 apparently, an exponential threat of climate
6 change and I'm tracing it down to bad inventory
7 control. So I wish to see that you read over my
8 comments and understand what I'm saying here,
9 forty years of inventory control experience.

10 A few years back, a situation, a person I
11 know at the Energy Commission, Angela Tanghetti,
12 had a renewable net short spreadsheet. And I
13 asked her why she didn't have certain equipment
14 in there? And that led me to believe there is no
15 connectivity, even within the Energy Commission,
16 of data systems.

17 MS. POLETTI: Thank you. Thank you, Mr.
18 Uhler. Your three minutes are up.

19 MR. UHLER: I still show 12 seconds. I
20 still show 12 seconds, so --

21 MS. POLETTI: No. Your three minutes has
22 elapsed.

23 MR. UHLER: Your screen says --

24 MS. POLETTI: You --

25 MR. UHLER: -- ten seconds. Will you

1 stop interrupting me? I'll take that ten seconds
2 back.

3 MS. POLETTI: You can take your ten
4 seconds.

5 MR. UHLER: Okay. Any case, you need to
6 get your internal systems going to make sure that
7 your regulations are followed and you stop
8 changing names on power plants without following
9 all of your own laws, your regulations.

10 Thank you.

11 MS. POLETTI: Thank you very much, Mr.
12 Uhler. Your comments have been taken into
13 consideration.

14 Next on our comments, we have James
15 Bartlett. Your line should be un-muted now.

16 MR. BARTLETT: Oh, yeah. Thank you.
17 James Bartlett representing for (indiscernible)
18 and reliable gas storage. I'm commenting on the
19 presentation of proposed underground gas storage
20 regulations.

21 Mr. Orta said that information corrected
22 would be subject to automatic confidential
23 designation subject to meeting certain conditions
24 but he didn't elaborate on what those conditions
25 are. And I'm wondering if he can or if he's not

1 able to do so right now, where we can find that
2 information? Because what those conditions are
3 and the confidential designation sort of really
4 affects our position on the proposed regulations.

5 So that's my comment. And if Mr. Orta
6 could answer that question now, that would be
7 really great.

8 Thank you.

9 MS. POLETTI: Thank you, James. Your
10 comment is noted.

11 I will take a look. And give me one
12 moment. Okay. Right now it does not look like
13 we have any further comments.

14 James, we can bring on Jason Orta to
15 answer your questions.

16 MR. ORTA: Hello James. This is Jason
17 Orta.

18 Can you hear me, Amanda?

19 MS. POLETTI: Yes, I can.

20 MR. ORTA: Okay. Great. Yeah, I just
21 have to check.

22 So those are -- those conditions include
23 things like, well, if the data is publicly
24 available, you'll have to -- we require that
25 filers publicly identify which data will be

1 confidential. So there's -- so if it's publicly
2 available and is obviously not, it has to be
3 publicly identified as well. That's the same
4 thing that we require with our hydraulic models.
5 I don't have the language section in front of me
6 right now but those are, basically, the
7 conditions.

8 And we've -- in our experience with the
9 hydraulic models, you know, they've been filing -
10 - the gas utilities have been filing those since
11 2018 with the automatic confidential designation
12 and we have not -- and we've always granted that.
13 We have not denied that in that time. And I
14 suspect that we wouldn't either because those
15 conditions are -- we don't see that as a very
16 high bar.

17 MS. POLETTI: Okay. Thank you very much,
18 Jason.

19 So if you wish to make a comment, please
20 use the raised-hand feature, and we will be able
21 to un-mute your line. And I don't see any raised
22 hands right now, so I'll give us a little bit of
23 time for someone to do that. Okay. I see that
24 Michael Yaki has a comment.

25 MR. YAKI: Thank you very much, Members

1 of the Commission and Staff. Thank you for your
2 great work on this. My name is Michael Yaki.
3 I'm the Senior Vice President for Petros PACE
4 Finance, the nation's largest commercial PACE
5 capital provider. In fact, we just broke the
6 record for commercial -- a single commercial PACE
7 financing for \$89 million for the former Citibank
8 building, 111 Wall Street in New York City.

9 I'm calling to comment to say, one, thank
10 you for these efforts and for including PACE
11 within the gambit of energy efficiency reporting.
12 That's the sine quo non of what PACE is about is
13 to help meet our energy goals or needs in
14 California. I want to associate myself with
15 remarks made by other commercial PACE providers
16 in this comment period.

17 I wanted to bring your attention to just
18 one item in the actual rulemaking, and that's
19 section 1312(a)(7). This rule contemplates that
20 you will be reporting from financings made in the
21 previous fiscal year. And in (a)(7) is
22 specifically references the completion date.
23 Commercial PACE, frequently, takes longer than a
24 year to complete, especially if you're talking
25 about major, major rehabilitation or new

1 construction. And in fact, the improvement bond
2 -- the Improvement Act of 1911, the authorization
3 for PACE under the California Code, allows for
4 two years of capital expenditure time in the way
5 that they structure their bond financing so that
6 the actual billing of amortization of the costs
7 do not begin for two years because they
8 contemplate up to a two-year completion period
9 for the improvement.

10 So I would just note that as you make a
11 final rule, that you accommodate the fact that
12 while we may be able to report on the financing,
13 say in 2021, we may not know what the completion
14 date will be when we file in 2022. It may be
15 after the date in which the filing is due. It
16 may be the following year depending on the timing
17 of the financing and the timing of the
18 construction.

19 Those are my comments. Thank you very
20 much.

21 MS. POLETTI: Thank you very much,
22 Michael, for your comment.

23 I'll state again, as I said in the
24 beginning of the meeting, you can also submit
25 your comments in writing to our Docket Number,

1 which is 18-OIR-01. So if you have additional
2 comments, please go ahead and submit them through
3 our docket so we have a written record.

4 Okay, so again, I don't see any
5 additional new hands being raised, and so I will
6 give a minute to see if that happens. If you
7 want to make a comment, please use the raised-
8 hand feature and I'll call on you, and your line
9 will be un-muted.

10 MR. UHLER: Is this an open meeting?

11 MS. POLETTI: Hi Mr. Uhler. Because
12 you've already made a comment, we can't open your
13 line again, but please submit comments --

14 MR. UHLER: Okay. I would like to --

15 MS. POLETTI: -- in writing using the
16 docket.

17 MR. UHLER: This is a Bagley-Keene
18 meeting. I would like to point out that you've
19 brought all these --

20 MS. POLETTI: Hold on one second.

21 MR. UHLER: -- (indiscernible).

22 MS. POLETTI: Hold on one second.

23 Commissioner Gunda --

24 COMMISSIONER GUNDA: Yeah.

25 MS. POLETTI: -- can I get your

1 recommendation on how to proceed?

2 COMMISSIONER GUNDA: Yeah. Let me just
3 take this.

4 Mr. Uhler, we would like to limit
5 comments to three minutes by each individual
6 participant. I'm kind of seeing that you have a
7 broader question.

8 This is an open meeting. This was all
9 Commissioners invited. Those members that were
10 able to attend are attending today. And so any
11 other public comment, any other further comment
12 you might have in terms of recommendations on
13 this, please feel free to submit in writing.
14 Thank you.

15 MR. UHLER: Okay. I would like to state
16 one thing. The meeting says it goes until 2:00?

17 COMMISSIONER GUNDA: Yes.

18 MR. UHLER: And you don't have time,
19 while people are trying to decide whether or not
20 to comment, to hear more from the stakeholders?
21 And, actually, I'd like to hear some replies.
22 I'd like to know why I didn't get my data? And
23 that's putting in as a written comment. I would
24 like to know why your staff cannot ensure that
25 your current regulations are not being followed,

1 particularly when it comes to EIA numbers on
2 power plants in your QFER database?

3 COMMISSIONER GUNDA: So Mr. Uhler? Mr.
4 Uhler, just --

5 MR. UHLER: Okay. Yes?

6 COMMISSIONER GUNDA: -- I just want to
7 make sure --

8 MR. UHLER: You've got plenty of people
9 there --

10 COMMISSIONER GUNDA: Yes.

11 MR. UHLER: -- who can answer these
12 questions.

13 COMMISSIONER GUNDA: Yes, sir. And that
14 is --

15 MR. UHLER: And we have a big problem.
16 There's ash falling on my house right now. And
17 I'm not going to sit here and have you go, well,
18 we have no more commenters and we're not going to
19 let anybody else speak because we've got a
20 problem.

21 COMMISSIONER GUNDA: Mr. Uhler --

22 MR. UHLER: And so answer my questions
23 please.

24 COMMISSIONER GUNDA: So Mr. Uhler, I just
25 want to make sure that we are kind of

1 accommodating of the process here. The process
2 is for each one of us to have one comment.
3 Absolutely would request the staff to take your
4 meeting thereafter as a follow up to answer any
5 questions you might have. But I do not think
6 this is the forum to have multiple comments, sir.

7 MR. UHLER: You're making --

8 COMMISSIONER GUNDA: And I think we'll --

9 MR. UHLER: -- a lot of horsepower here
10 because we have the public. This is the
11 public --

12 MS. POLETTI: Okay. So --

13 MR. UHLER: -- this is the public's
14 chance to speak --

15 COMMISSIONER GUNDA: Yes.

16 MR. UHLER: -- in an open meeting and
17 some --

18 COMMISSIONER GUNDA: So I would recommend
19 that we take this offline, one comment per
20 speaker, and thank you. And we will keep the line
21 open for any other public comments to come
22 through.

23 MS. POLETTI: Thank you. Okay.

24 So I'm going to move on to -- right now
25 we don't have any further comments but we will

1 leave the line open until two o'clock today. So
2 if you have any comments, please submit them in
3 writing to Docket Number 18-OIR-01.

4 I'd like to thank everyone for joining us
5 today, to Commissioner Gunda and to Fritz Foo for
6 joining us on behalf of Commissioner McAllister's
7 Office.

8 With that, Commissioner Gunda, since the
9 presentations are completed and there aren't any
10 further comments at this time, you are welcome to
11 leave us with any final thoughts, and then we're
12 just going to keep the mike open on this side.

13 COMMISSIONER GUNDA: Yeah. Absolutely
14 Amanda. Thanks again to you and the staff.

15 I do want to just respond more broadly
16 for now. I absolutely recognize that Mr. Uhler
17 has, you know, some concerns. And I want to make
18 sure that, you know, at CEC, one of our core
19 responsibilities is to ensure that we heard the
20 key concerns and then be able to have it a
21 resolution.

22 So I would really request, Amanda, if you
23 could take this concern that Mr. Uhler brought up
24 in the call today and just let me know, you know,
25 what the issue is and how we are resolving and

1 why? And so that we have approached on that. So
2 I do not want to shut anybody out to talk to
3 during these meetings but there is a process here
4 that we all agreed to, which is three minutes per
5 participant.

6 And I'm glad, Mr. Uhler, that you made
7 your comments and would encourage anybody to make
8 their comments and have a follow-up here. So
9 with that, thank you all.

10 And Amanda, I request you to just follow
11 up with me specifically on that request.

12 MS. POLETTI: Certainly. Okay. So that
13 does conclude all of our presentation. We will
14 keep the line open until that time, so thank you
15 for joining us today.

16 (Pause)

17 MS. POLETTI: Hello everyone. This is
18 Amanda Poletti again. If you are still on the
19 line, we will be taking a lunch from 11:30 to
20 12:30. During that time, we won't be accepting
21 comments but we will have a screen up saying when
22 we will be back online accepting comments.

23 (Pause)

24 MS. POLETTI: Hello. This is Amanda
25 Poletti. For anyone new on the line right now

1 who joined us, if you wish to make a comment,
2 this line is still open until two o'clock,
3 although the hearing presentations themselves are
4 concluded. So if you wish to make a comment,
5 please use the raised-hand feature. And I will
6 be able to call on you and we can un-mute your
7 line.

8 (Pause)

9 MS. POLETTI: For anyone still on the
10 line, this is Amanda Poletti, and we are going to
11 break for lunch between 11:30 and 12:30. We
12 won't be taking comments during that time but
13 will be back on at 12:30 to take any remaining
14 comments for this hearing. Thank you.

15 (Off the record at 11:30 a.m.)

16 (On the record at 12:30 a.m.)

17 MS. POLETTI: Hello everyone. Our lunch
18 break is now over. This is the Phase 2 Title 20
19 Data Collection Regulations to Support New
20 Analytical Needs hearing. We are keeping this
21 line open until two o'clock to take additional
22 comments before adjourning. So if you are on the
23 line, please use the raised-hand feature if you
24 wish to make a comment and we will call on you.

25 Thank you.

1 (Pause)

2 MS. POLETTI: Okay, it's two o'clock, so
3 I'd like to thank, again, all of our presenters
4 and participants in today's hearing. Additional
5 comments can be submitted to Docket Number 18-
6 OIR-01. This hearing is now adjourned.

7 (The hearing adjourned at 2:00 p.m.)

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CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of August, 2021.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

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

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

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



MARTHA L. NELSON, CERT**367

August 18, 2021