

DOCKETED

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Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
TN #:	240928
Document Title:	Order and Resolution for December 8, 2021 Business Meeting
Description:	*** THIS DOCUMENT SUPERSEDES TN 240916 ***
Filer:	Liza Lopez
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Submitter Role:	Commission Staff
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: REVISIONS TO THE GUIDELINES FOR CALIFORNIA'S SOLAR
ELECTRIC INCENTIVE PROGRAMS (SENATE BILL 1), SEVENTH EDITION

WHEREAS, Senate Bill 1 (SB 1) (Murray, Statutes of 2006, Chapter 132), as codified in Public Resources Code sections 25780-25784 directs the California Energy Commission (CEC) to adopt guidelines to establish eligibility criteria, conditions for incentives, and rating standards for ratepayer-funded solar energy incentive programs, including incentive programs administered by the CEC, the California Public Utilities Commission, and local publicly owned electric utilities; and

WHEREAS, on December 19, 2007, in accordance with Public Resources Code sections 25780-25784, the CEC adopted guidelines entitled, *Guidelines for California's Solar Electric Incentive Programs Pursuant to Senate Bill 1* (SB 1 Guidelines), which were most recently revised in 2018; and

WHEREAS, the SB 1 Guidelines require photovoltaic module equipment to be tested by accredited third-party test laboratories; and

WHEREAS, CEC staff proposes a resolution to amend the SB 1 Guidelines by changing the starting date for when the CEC will only accept a safety certification for photovoltaic modules issues by a Nationally Recognized Testing Laboratory (NRTL) with UL 61730 in its scope of recognition, and proposes to change the start date from January 1, 2022 to a deadline of two years after Occupational Safety & Health Administration determines that UL 61730 is an appropriate test standard for the NRTL program, as described in the Notice to Consider Adoption of Revisions to the SB1 Guidelines docketed and distributed for public comment on November 19, 2021; and

WHEREAS, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed SB 1 Guideline amendments and concluded that the proposed amendments do not meet the definition of a "project" under Public Resources Code section 21065 because they are a continuing administrative activity related to general policy and procedure making, and, even if the SB 1 Guideline amendments were considered a project, then the project would fall under the "common sense exemption" in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility it would have a significant effect on the environment; and

WHEREAS, the CEC has considered staff's proposed revisions to the SB 1 Guidelines and alternatively finds that its adoption is exempt from CEQA for the reasons stated by the Chief Counsel's Office.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the SB 1 Guideline amendments are not subject to CEQA because they do not meet the definition of a "project" under Public Resources Code section 21065 as they are not an activity that can cause a direct or reasonably foreseeable indirect physical change in the environment and, even if they were a project, they are exempt from CEQA pursuant to the common sense exemption (Cal. Code Regs., tit 14, 15061 subd. (b)(3) because there is no reasonable possibility that the activity will have a significant effect on the environment, including due to unusual circumstances; and


FURTHER BE IT RESOLVED, that the CEC hereby adopts the revisions to the SB 1 Guidelines; and

FURTHER BE IT RESOLVED, that the CEC delegates the authority and directs the executive director or their designee 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 guidelines, preparing all appropriate documents, and implementing the revisions to the SB 1 Guidelines on the CEC's behalf.

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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: PROSPECT SILICON VALLEY

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 ZVI-21-009 with Prospect Silicon Valley for a \$190,058 grant to develop a planning blueprint document that will outline the transition of Berkeley Unified School District's diesel school bus fleet to battery electric school buses while mitigating the operational challenges and risks of deploying new technologies into existing operations; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: PROSPECT SILICON VALLEY

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 ZVI-21-010 with Prospect Silicon Valley for a \$190,048 grant to develop a planning blueprint document that will outline the transition of Twin Rivers School District's diesel school bus fleet to battery electric school buses while mitigating the operational challenges and risks of deploying new technologies into existing operations; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: SCHNEIDER NATIONAL CARRIERS, 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 ZVI-21-011 with Schneider National Carriers, Inc. for a \$200,000 grant to prepare a blueprint document and a suite of tools that will facilitate the rapid transition of its facilities and fleets to support the widespread deployment of MD/HD ZEVs and distributed energy resource technologies to enable scale ZEV goods movement operations in California; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat



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

APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE:

**GREAT OAKS SOUTH BACKUP
GENERATING FACILITY**

Docket No. 20-SPPE-01

**ADOPTION ORDER
ON COMMITTEE PROPOSED DECISION**

By this **ORDER**, the State Energy Resources Conservation and Development Commission, also known as the California Energy Commission (CEC), hereby adopts as its own Commission Decision the Committee Proposed Decision, dated November 24, 2021¹ and Errata, dated December 8, 2021.²

The Commission Decision addresses the Application for a Small Power Plant Exemption³ submitted by SV1, LLC (Applicant) for the Great Oaks South Backup Generating Facility, which includes 36 3.25-megawatt (MW) and three 500-kilowatt standby diesel generators (Backup Generators) to provide an uninterruptable power supply to the Great Oaks South Data Center. The Backup Generators and the Great Oaks South Data Center would be located at 123, 127, and 131 Great Oaks Boulevard in the City of San Jose, California. The Backup Generators, the Great Oaks South Data Center, and related activities, are collectively referred to herein as “the Project.”

The Commission Decision is based upon the hearing record of these proceedings. The Final Environmental Impact Report, addendum, and hearing record are on file in the CEC’s Docket Unit, located at 715 P Street, Sacramento, CA 95814, and are available for inspection by any person. The documents and other materials that make up the

¹ TN 238706.

² TN 240873.

³ Information about this Application, including a link to the electronic docket, may be found on [the CEC’s web page for the Great Oaks South Generating Facility](#) at

<https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility>.

Documents related to this Application may be found in [the CEC’s online docket](#) at

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-SPPE-01>.

record of this proceeding relied upon in making this decision are also available on the [Great Oaks South SPPE web page](https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility) at: <https://www.energy.ca.gov/powerplant/reciprocating-engine/great-oaks-south-generating-facility>.

FINDINGS

We hereby adopt the following findings pursuant to Public Resources Code sections 21000 et seq. and 25541 and applicable implementing regulations, in addition to those contained in the Commission Decision:

1. The generating capacity of the Backup Generators will not exceed 100 megawatts.
2. The demolition, construction, and operation activities of the Project will not create a substantial adverse impact on the environment.
3. The demolition, construction, and operation activities of the Project will not create a substantial adverse impact on energy resources.

ORDER

Therefore, we order the following:

1. The Great Oaks South Backup Generating Facility is **GRANTED** a Small Power Plant Exemption from the Application for Certification provisions of the CEC's power plant licensing process. This Order is adopted, issued, effective, and final on December 8, 2021.
2. The Hearing and Advisory Unit of the CEC's Chief Counsel's Office shall incorporate the Commission Decision and any modifications made by the Commission during the December 8, 2021, Business Meeting into a single document. Preparation and publication of the Commission Final Decision shall not affect the adoption, issuance, effectiveness, or finality of this Order.
3. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five (5) business days of December 8, 2021, subject to Applicant being responsible for payment of all applicable filing fees.

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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***RULEMAKING TO AMEND REGULATIONS
FOR DELEGATION OF CERTIFICATION
AUTHORITY AND SMALL POWER PLANT
EXEMPTIONS***

ORDER INSTITUTING RULEMAKING

I. PURPOSE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes a rulemaking proceeding, the purpose of which is to consider amendments to the CEC's procedures for: a) delegating the CEC's full authority for the certification of geothermal powerplants within a county which has adopted a geothermal element for its general plan and demonstrates that it has an equivalent certification program (Cal. Code Regs., tit. 20, §§ 1802, 1804, and 1860-1870); and b) exempting from its exclusive certification authority thermal powerplants with a generating capacity of up to 100 megawatts (Cal. Code Regs., tit. 20, §§ 1934-1948, and Appendix F). This action is taken under the CEC's authority in California Public Resources Code Sections 25210, 25213, 25216.3, 25216.5(a), 25218(e), 25540.5 and 25541.

The CEC is undertaking this rulemaking in response to a Proclamation of a State of Emergency issued by Governor Gavin Newsom on July 30, 2021, directing state agencies to, among other things, perform any and all actions to accelerate the state's transition to carbon-free energy. This rulemaking will also support a June 2021 decision by the California Public Utilities Commission (CPUC) to procure 11,500 megawatts (MW) of new electricity resources before 2026, with at least 1,000 MW coming from "firm resources with zero-onsite emissions" such as geothermal. The goal of this rulemaking is to streamline and accelerate the administrative processes and procedures for: the delegation of certification for geothermal powerplants; and small power plant exemptions for all thermal powerplants, while ensuring that all environmental, public health, safety, and reliability requirements of the Warren-Alquist Act¹ and the California Environmental Quality Act are met.

¹ See Warren-Alquist State Energy Resources Conservation and Development Act, Public Resources Code, sections 25000 *et seq.*

The regulatory provisions subject to this order were first adopted in the late 1970s and have not been significantly amended since then. However, since the 1970s, many changes have occurred in California's electricity sector and related regulatory and market environments, changes that are not reflected in the processes and procedures the CEC currently uses.

II. SCOPE OF THE PROCEEDING

In this proceeding, the CEC will consider amending its existing processes and procedures for a) delegating the CEC's full authority for the certification of geothermal powerplants within a county which has adopted a geothermal element for its general plan and demonstrates that it has an equivalent certification program (Cal. Code Regs., tit. 20, §§ 1860-1870); and b) exempting from its exclusive certification authority thermal powerplants with a generating capacity of up to 100 megawatts (Cal. Code Regs., tit. 20, §§ 1934-1948, and Appendix F).

III. DELEGATION OF AUTHORITY

Commissioner Karen Douglas is Lead Commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the Lead Commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act and the California Environmental Quality Act. Adoption of any changes to the CEC's regulations pursuant to this OIR will be by vote of the Commission at a noticed Business Meeting.

IV. PUBLIC PARTICIPATION

The CEC encourages public participation in this proceeding. Any person participating in a hearing or workshop shall be afforded reasonable opportunity to make comments.

Anyone who would like to participate in or receive information regarding this proceeding should register with any or all of the following CEC list servers at https://ww2.energy.ca.gov/listservers/index_cms.html: Siting Division General List, Rulemaking, and Geothermal. All who are registered will receive automated email messages with links to information regarding hearings, workshops, and updated documents.

To foster public participation in these proceedings, the Executive Director, in conjunction with the Public Advisor, shall ensure that information regarding this order and notices of hearings and workshops are distributed to all interested persons via the Siting Division General List, Rulemaking, and Geothermal list servers and posted on the CEC website. The Executive Director shall also ensure sufficient advance public notice prior to consideration or adoption of final regulations by the CEC.

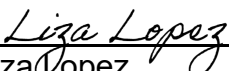
For additional information, please contact the CEC Public Advisor at (916) 957-7910 or via email at publicadvisor@energy.ca.gov.

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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: TOUCHSTONE BENCHMARKING, LLC

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) approves purchase request 5616 with Touchstone Benchmarking, LLC for a \$1,135,150 purchase order to support the CEC's statewide building energy benchmarking program by providing benchmarking software and support services to increase benchmarking compliance through creating and maintaining a comprehensive list of covered buildings and providing a platform to conduct building owner outreach, building tracking, and public disclosure of energy use data; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: CENTER FOR TRANSPORTATION AND THE ENVIRONMENT

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

RESOLVED, that the CEC approves Agreement EPC-21-011 with Center for Transportation and the Environment, Inc. for a \$3,000,000 grant to design, build, test, and demonstrate two mobile, zero-emission, hydrogen fuel cell backup generation vehicles (H2BUG). The goal of the H2BUG project is to be able to drive 90 miles each way to emergency and disaster relief locations and provide at least 35 kW of continuous power for a minimum of 48 hours. The H2BUG vehicles will be designed based on an emergency disaster relief vehicle that will be developed under the U.S. Department of Energy and U.S. Department of Defense H2Rescue program; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: RAIL PROPULSION SYSTEMS LLC

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


RESOLVED, that the CEC approves Agreement ZVI-21-008 with Rail Propulsion Systems LLC for a \$270,000 grant to demonstrate a wireless power transfer locomotive charging station to allow a battery-electric locomotive to be charged wirelessly, by stopping the locomotive at any position along a short length of track for static charging at the rail yard; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: CALSTART, 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 ZVI-21-006 with CALSTART, Inc. for an up to \$250,000,000 block grant to design, implement, and fund, with CEC oversight, various light-duty EV charger incentive projects throughout California, and adopting staff's determination that this action is exempt from CEQA. This agreement provides \$980,231 in grant funds for startup costs. Additional funding, up to the \$250,000,000 total, will require approval from the Executive Director of the CEC through an amendment. Additional funds may be added up to \$250,000,000 total to design and implement incentive projects, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations; and

RESOLVED, SB 170 (2021) authorized the CEC to administer new funds, which in part make up the funds in this Agreement, in accordance with Health and Safety Code section 44272. Under the authority in Health and Safety Code section 44272(b), the CEC delegates to the Executive Director or their designee the full authority allowed to approve amendments to this Agreement; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: CENTER FOR SUSTAINABLE ENERGY

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 ZVI-21-007 with Center for Sustainable Energy, for an up to \$250,000,000 block grant to design, implement, and fund, with CEC oversight, various light-duty EV charger incentive projects throughout California. This agreement provides \$1,000,000 in grant funds for startup costs. Additional funding, up to the \$250,000,000 total, will require approval from the Executive Director of the CEC through an amendment. Additional funds may be added up to \$250,000,000 total to design and implement incentive projects, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations; and

RESOLVED, SB 170 (2021) authorized the CEC to administer new funds, which in part make up the funds in this Agreement, in accordance with Health and Safety Code section 44272. Under the authority in Health and Safety Code section 44272(b), the CEC delegates to the Executive Director or their designee the full authority allowed to approve amendments to this Agreement; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: CALSTART, 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 1 to Agreement ARV-20-006 with CALSTART, Inc. to: 1) augment the agreement's spending authority by \$225,953,982 for a total grant spending authority amount of up to \$275,953,982, which includes the up to \$50,000,000 authority previously approved at the March 17, 2021 CEC Business Meeting; 2) modify the Special Terms and Conditions to update the grant spending authority amount; 3) revise the Scope of Work to include the updated grant spending authority amount and revised data collection requirements. Additional funding, up to the \$275,953,982 total, will require approval from the Executive Director of the CEC through an amendment; and

RESOLVED, SB 170 (2021) authorized the CEC to administer new funds, which in part make up the funds in this Agreement, in accordance with Health and Safety Code section 44272. Under the authority in Health and Safety Code section 44272(b), the CEC delegates to the Executive Director or their designee the full authority allowed to approve amendments to this Agreement; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat