

DOCKETED

Docket Number:	21-OIR-02
Project Title:	Rulemaking to Amend Regulations for Delegation of Certification Authority and Small Power Plant Exemptions
TN #:	240929
Document Title:	Order Instituting Rulemaking
Description:	Order No. 21-1208-3
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/13/2021 4:13:13 PM
Docketed Date:	12/13/2021

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