

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ASSOCIATION OF WOMEN IN WATER, ENERGY AND ENVIRONMENT (AWWEE)

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the February 25, 2022, memorandum on this topic, finding the following categorical exemptions apply to this purchase order: (1) 14 CCR 15322, Educational or Training Programs Involving No Physical Changes; and (2) 14 CCR 15323, Normal Operations of Facilities for Public Gatherings; and

RESOLVED, that the CEC approves a purchase order with AWWEE for \$2,100 for a one-year, commission-wide membership. This membership level allows up to 20 CEC staff to attend any given in-person AWWEE event and access to all other membership benefits offered. AWWEE provides its members with multiple venues for learning, sharing and professional development while connecting with industry experts from the state, local, and private sectors; 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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

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ENVIRONMENT (AWWEE)**

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the February 25, 2022, memorandum on this topic, finding the following categorical exemptions apply to this purchase order: (1) 14 CCR 15322, Educational or Training Programs Involving No Physical Changes; and (2) 14 CCR 15323, Normal Operations of Facilities for Public Gatherings; and

RESOLVED, that the CEC approves a purchase order with AWWEE for \$1,500 to sponsor their 2022 events line-up, which provides its members with multiple venues for learning, sharing and professional development while connecting with industry experts from the state, local, and private sectors; and demonstrating CEC's support of continuing education and professional development for women in the energy field; and

RESOLVED, that the CEC approves the use of the CEC logo in sponsorship advertisements for AWWEE events during 2022; 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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: APPROVING REAPPOINTMENT OF MEMBERS OF THE DISADVANTAGED COMMUNITIES ADVISORY GROUP

WHEREAS, Senate Bill 350 (SB 350) (De Leon, Chapter 547, Statutes of 2015), as codified in the California Public Utilities Code Section 400 (g), requires the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) to establish a Disadvantaged Communities Advisory Group (DACAG) consisting of representatives from disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code; and

WHEREAS, the DACAG will review and provide advice on proposed SB 350 clean energy and pollution reduction programs and determine whether those proposed programs will be effective and useful in disadvantaged communities; and

WHEREAS, the Charter of the DACAG allows for members of the DACAG to be reappointed for up to three consecutive two-year terms; and

WHEREAS, the Charter of the DACAG establishes that five members of the DACAG have terms that begin April 1 and end March 31 of even-numbered years and five members have terms that begin April 1 and end March 31 of odd-numbered years; and

WHEREAS, Angela Islas is seeking reappointment for a third two-year term that would begin April 1, 2022 and end March 31, 2024; and

WHEREAS, Adrian Martinez is seeking reappointment for a third two-year term that would begin April 1, 2022 and end March 31, 2024; and

WHEREAS, Andres Ramirez is seeking reappointment for a third two-year term that would begin April 1, 2022 and end March 31, 2024; and

WHEREAS, Roger Lin is seeking reappointment for a third two-year term that would begin April 1, 2022 and end March 31, 2024; and

WHEREAS, Fred Beihn seeking reappointment for a First two-year term that would begin April 1, 2022 and end March 31, 2024; and

WHEREAS, CEC Vice Chair Gunda recommends the reappointments of the above-listed members; and

THEREFORE BE IT RESOLVED, that the CEC accepts the commissioners' recommendations, and appoints Angela Islas, Adrian Martinez, Andres Ramirez, Roger Lin, and Fred Beihn to two-year terms, that begin April 1, 2022 and end March 31, 2024.

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 March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**MOSS LANDING POWER PLANT
MOSS LANDING POWER
COMPANY, LLC**

DOCKET: 99-AFC-04C

ORDER APPROVING SETTLEMENT

I. STAFF RECOMMENDATION

Moss Landing Power Company, LLC (MLPC) owns and operates the Moss Landing Power Plant (MLPP or “facility”) licensed by the California Energy Commission (CEC) and located in Monterey County, California. On October 25, 2000, the CEC issued the Moss Landing Power Plant Final Commission Decision (Commission Decision), certifying the power project (Docket No. 99-AFC-04C). The Commission Decision governs the construction, operation, and decommissioning of the MLPP.

CEC staff investigated an alleged failure to report a Citation and Notification of Penalty that the California Division of Occupational Safety and Health (Cal/OSHA), issued to the facility (OSHA Citation) on February 1, 2019. The investigation included an August 7, 2019 visit to the MLPP, calls and discussions with MLPP personnel and a review of all relevant documents. On November 18, 2020, CEC staff sent MLPP a Notice of Violation alleging noncompliance with the compliance reporting provisions of the Final Decision, which appear at pages 34 and 35 of the Commission Decision. Staff’s review also later determined that the facility had not reported an April 6, 2020 audit conducted by the California Public Utilities Commission, also as required by the facility’s Compliance Reporting conditions. The facility had reported other citations to the CEC, however.

The Commission Decision contains a Compliance Monitoring Plan, including General Conditions and Closure Plan and includes the following compliance reporting language (Compliance Reporting Provisions):

- Compliance Reporting, subsection Annual Compliance Report, states “Each Annual Compliance Report shall identify the reporting period and shall contain the following: A listing of complaints, notices of violation, official warnings, and citations received during the year; a description of the resolution of any complaints which have been resolved, and the status of any unresolved complaints” (Commission Decision, 2000; page 34); and,
- Reporting of Complaints, Notices, and Citations states “[i]n addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies of all complaint forms, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt, to the

CPM. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the NOISE conditions of certification. All other complaints shall be recorded on the complaint form which follows" (Commission Decision, 2000; page 35).

MLPC has worked with CEC Staff since the August 7, 2019 site visit and cooperated with the investigation. MLPC's cooperation and other efforts have saved the CEC time and resources in further investigation and adjudication of the alleged violations.

Given MLPC's continuing and diligent cooperation, CEC Staff and MLPC believe that rather than engaging in formal adjudication, it would be more productive to enter a settlement to resolve this matter.

In developing this settlement, CEC Staff considered the cooperation of MLPC, the specific facts developed by CEC Staff and MLPC during the course of the investigation, the actions and omissions by the prior owners before MLPC's acquisition of the facility, and applied the relevant factors in the Public Resources Code Section 25534.1(e) to determine that settlement, rather than formal adjudication, is a more appropriate use of the CEC's and MLPC's collective resources.

CEC Staff worked with MLPC to develop additional conditions of certification, to ensure MLPP operates in compliance with all applicable Final Commission Decisions, their respective Compliance Monitoring Plans, and applicable fire codes. The agreed upon Conditions of Certification, are intended to be amendments to the Final Decisions for the MLPP Facility.

The legal requirements at issue, as well as staff's allegations, and MLPC's admissions and denials, are included in the Settlement Agreement, which provides for a payment of \$75,000 by MLPC to the CEC. In addition, changes to the conditions of certification are included in the Settlement Agreement.

Staff recommends that the CEC approve the Settlement Agreement and changes to the conditions of certification and direct the Executive Director to execute the Settlement Agreement on behalf of the CEC.

II. ENERGY COMMISSION FINDINGS

- 1) Public Resources Code section 25532 requires the CEC to establish a monitoring system to assure that any facility certified by the CEC is constructed and is operating in compliance with air and water quality, public health and safety, and other applicable regulations, guidelines, and conditions adopted or established by the CEC or specified in the written decision.
- 2) Public Resources Code section 25534 empowers the CEC to amend or revoke a license or impose administrative civil penalties.
- 3) Public Resources Code section 25534.1 sets forth factors to consider when determining the amount of an administrative civil penalty.

- 4) In reaching resolution, Staff has considered the factors identified in Public Resources Code section 25534.1, specifically the nature, circumstance, extent, and gravity of the alleged violations, the cost to the state in pursuing the enforcement action, efforts by MLPC to resolve issues, and its overall cooperation.
- 5) The agreed settlement is appropriate and reflects a fair resolution of the issues.
- 6) The settlement also includes amended reporting and notification Conditions of Certification. Upon execution of the settlement agreement, these amended conditions of certification will become part of the facilities' licenses.
- 7) Approval of the settlement, including amending of the licenses with new conditions of certification, is exempt from the California Environmental Quality Act as set forth in the California Code of Regulations Title 14, sections 15060(c)(2), 15060(c)(3), 15061(b)(2), 15061(b)(3), 15321, and 15378(a) & (b)(5).

III. CONCLUSION AND ORDER

The CEC hereby approves the Settlement Agreement and changes to the conditions of certification and directs the Executive Director or their designee to execute the Settlement Agreement on behalf of the CEC, file a Notice of Exemption with the Office of Planning and Research, and take any other steps necessary to execute the Settlement Agreement.

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 March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**CAMPBELL COGENERATION
PROJECT**

Docket No. 93-AFC-03C

**SACRAMENTO MUNICIPAL UTILITY
DISTRICT FINANCING AUTHORITY**

**ORDER APPROVING POST
CERTIFICATION PETITION TO AMEND**

I. INTRODUCTION

On March 15, 2021, the Sacramento Power Authority, owner at that time, filed a post certification petition with the California Energy Commission (CEC) requesting to amend the Campbell Power Plant Final Commission Decision.

The facility is a 158-megawatt cogeneration facility located in Sacramento County at 3215 47th Avenue, east of the corner of 47th Avenue and Franklin Boulevard, approximately 1 mile west of Highway 99. The facility was certified by the CEC in November 1994 and began commercial operation in October 1997.

The project owner seeks approval to increase the cooling tower volatile organic compounds (VOC) emission rate to allow the project to resume operations using recycled water, in compliance with all applicable laws, ordinances, regulations, and standards. On February 4, 2022, CEC staff published an analysis of the proposed project change for public comment. On February 28, 2022, the project owner filed comments which staff has incorporated into their analysis. Staff published the analysis incorporating these changes on February 28, 2022.

II. BACKGROUND

Pursuant to California Code of Regulations, title 20, section 1769(a)(1), a project owner shall petition the commission for approval of any change it proposes to the project design, operation, or performance requirements.

California Code of Regulations, title 20, section 1769(a)(4)(A) requires the CEC to issue an order approving, rejecting, or modifying the petition or assign the matter for further proceedings before the CEC or an assigned committee or hearing officer and, additionally if applicable, requires the CEC to approve the proposed change only if it can make the findings specified in California Code of Regulations, title 20, section 1748(b).

III. STAFF RECOMMENDATION

Staff has reviewed the petition and concludes that with approval of the petition to amend, with adoption of the recommendations in staff's analysis, and with the implementation of the revised conditions of certification, the project would remain in compliance with applicable laws, ordinances, regulations and standards, and the proposed changes to the project would not result in any significant adverse direct, indirect, or cumulative impacts to the environment (Cal. Code of Regs., tit. 20, § 1769).

IV. FINDINGS

The CEC hereby adopts staff's recommendation, including the revised conditions of certification as published on February 28, 2022, and grants the petition allowing for the increase in the cooling tower volatile organic compounds emission rate to allow the project to resume operations using recycled water, in compliance with all applicable laws, ordinances, regulations, and standards. The CEC finds that none of the criteria in California Code of Regulations, title 20, section 1748(b) applies to this project amendment. The CEC also finds that this project change does not meet any of the criteria set forth in Public Resources Code section 21166 that would trigger preparation of a subsequent or supplemental environmental document.

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 March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

LOS MEDANOS ENERGY CENTER

DOCKET 98-AFC-01C

**ORDER APPROVING POST
CERTIFICATION PETITION**

I. INTRODUCTION

On March 8, 2021, Los Medanos Energy Center, LLC, filed a post certification petition for a project change (TN237030) for the Los Medanos Energy Center (LMEC) with the California Energy Commission (CEC) to conduct a demonstration phase of transferring 1 percent of the stack gas for carbon dioxide (CO₂) removal.

The LMEC is a nominal 500-megawatt (MW) natural-gas-fired combined-cycle energy facility that includes heat recovery steam generator (HRSG) units, steam turbine generator units, transformers, and water treatment and cooling towers. The project was certified by the CEC on August 17, 1999, and the facility began commercial operation in October 2001. The facility, formerly known as Pittsburg District Energy Facility, is in the City of Pittsburg, in eastern Contra Costa County.

The project owner seeks approval for a petition that would allow LMEC to conduct a demonstration phase of transferring approximately 1 percent of the stack gas for CO₂ removal. The stack gas flow will be through the flue gas pipe, which will be controlled by a damper installed at the point of interconnection between the pipe and the stack. The flue gas pipe will be supported on a new pipe rack within the LMEC site for a short distance and then will align with existing steam and condensate lines that leave LMEC to support its cogeneration thermal host being developed by San Francisco Bay Aggregates. The pipe from LMEC will run the length of the property (approximately 80 feet) and interconnect to the San Francisco Bay Aggregate pipe at the fence line of the facility and combine it with locally sourced demolished or returned concrete to produce new CO₂-sequestered and upcycled rock products.

II. BACKGROUND

California Code of Regulations, title 20, section 1769 requires a project owner to petition the CEC for the approval of any change it proposes to the project design, operation, or performance requirements of a certified facility. Pursuant to California Code of Regulations, title 20, section 1769(a)(3)(A), staff is required to approve a proposed change to the CEC for consideration and a decision if staff determines (1) there is no

possibility the proposed change may have a significant effect on the environment or the proposed change is exempt from the California Environmental Quality Act (CEQA); (2) the proposed change would not cause a project to fail to comply with any applicable laws, ordinances, or standards; and (3) the proposed change will not require a change to or a deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. California Code of Regulations, title 20, section 1769(a)(4)(D) also allows staff to submit the matter to the commission for consideration and a decision.

California Code of Regulations, title 20, section 1769(a)(4)(A) requires the CEC to issue an order approving, rejecting, or modifying the petition or assign the matter for further proceedings before the CEC or an assigned committee or hearing officer and, additionally if applicable, requires the CEC to approve the proposed change only if it can make the findings specified in California Code of Regulations, title 20, section 1748(b).

Lastly, California Code of Regulations, title 14, section 15162(a) specifies that, when an environmental impact report (EIR) has been certified or a negative declaration adopted for a project, a subsequent EIR does not need to be prepared unless the agency determines one or more of the following: (1) substantial changes are proposed that will require major revisions of the EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or (3) new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows specified significant effects or mitigation measures.

III. STAFF RECOMMENDATION

On February 23, 2022, staff filed their review of the petition and concluded that approving the petition is consistent with California Code of Regulations, title 20, sections 1769(a)(3)(D) and 1769(a)(4)(A) because the proposed change will (1) not have a significant effect on the environment or is exempt from CEQA; (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards; and (3) not require a change to or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. Additionally, staff determined the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply.

Lastly, staff concluded the proposed change does not meet the criteria requiring the production of subsequent or supplemental review consistent with California Code of Regulations, title 14, section 15162(a).

IV. FINDINGS

Pursuant to California Code of Regulations, title 20, section 1769(a)(4), the CEC concurs with staff's recommendation and finds that the petition will: (1) not have a significant effect on the environment or is exempt from CEQA; (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards; and (3) not require a change to or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. The CEC also concurs with staff's recommendation that the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply. Lastly, the CEC concurs with staff and finds that the proposed change does not meet the criteria requiring the production of subsequent or supplemental review consistent with California Code of Regulations, title 14, section 15162(a).

The CEC hereby adopts staff's recommendation and grants the petition allowing for the installation of a flue gas pipe for the delivery of approximately 1 percent of the flue gas from LMEC to be delivered offsite to San Francisco Bay Aggregates for a carbon dioxide demonstration project that will use the flue gas to manufacture upcycled rock products.

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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**THE 2021 INTEGRATED ENERGY
POLICY REPORT (2021 IEPR)**

Docket No. 21-IEPR-01

**Adoption of the 2021 Integrated
Energy Policy Report, Volume III**

WHEREAS, the Warren-Alquist Act requires the California Energy Commission (CEC) in odd-numbered years to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices" and to "use these assessments and forecasts to develop and evaluate energy policies and programs that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety" (Public Resources Code § 25301, subd. (a)); and to update these assessments and forecasts in even-numbered years (Public Resources Code § 25302, subd. (c)); and

WHEREAS, on March 16, 2021, the Lead Commissioner issued a Scoping Order for the *2021 Integrated Energy Policy Report* stating that the *2021 Integrated Energy Policy Report* would address the following four major topics as well as an analysis of the benefits of transitioning to a clean transportation system: (1) energy reliability over the next five years; (2) natural gas outlook and assessments; (3) building decarbonization and energy efficiency; and (4) energy demand. To this end, the CEC has produced the 2021 IEPR as four volumes and an appendix consisting of: (1) a report on actions needed to reduce the greenhouse gases (GHGs) related to buildings in which Californians live and work, with an emphasis on energy efficiency, and reducing GHGs from the industrial and agricultural sectors; (2) a report on actions needed to increase the reliability and resiliency of California's energy system; (3) an assessment of the evolving role of gas in California's energy system, both the importance in near-term reliability and the need for the system to evolve as California works to achieve carbon neutrality by 2045; (4) an assessment of California's energy demand outlook, including a forecast to 2035 and long-term energy demand scenarios to 2050; and (5) an evaluation of the benefits of California's Clean Transportation Program.

WHEREAS, 21 public workshops were held between January 2021 and December 16, 2021, to solicit input from stakeholders on these topics; and

WHEREAS, the Warren-Alquist Act requires the CEC to consult with various entities in preparing the IEPR including the California Public Utilities Commission (CPUC), CPUC Public Advocates Office, California Air Resources Board, California Independent System Operator (California ISO), Department of Water Resources,

Department of Transportation, and Department of Motor Vehicles, and any federal, state, and local agencies it deems necessary (Public Resources Code §25302(d)), and the CEC has so consulted with these entities during preparation of the 2021 IEPR; and

WHEREAS, on January 12, 2022, the Lead Commissioner published the draft *2021 IEPR, Volume III, Decarbonizing the State's Gas System* for public review and comment, and, after considering all comments received, published the proposed final version on February 22, 2022, along with a Notice of Intent to Adopt at this regularly scheduled Business Meeting; and

WHEREAS, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *2021 Integrated Energy Policy Report, Volume III*, and concluded that the adoption of this report is not a "project" under CEQA, but that in the event that adoption were determined to be a project, that it would nonetheless be exempt from CEQA requirements pursuant to the "common sense" exemption (CEQA Guidelines, § 15061, subd. (b)(3)).

THEREFORE BE IT RESOLVED, the CEC hereby accepts, approves, and adopts the Final *2021 Integrated Energy Policy Report, Volume III*, incorporating any changes presented and adopted today along with any non-substantive changes such as typographical corrections, and directs CEC staff to make the document accessible to state, local, and federal entities, the public, and the Legislature.

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 March 09, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: DENYING PETITION FROM ACCO ENGINEERED SYSTEMS
PURSUANT TO SECTION 1-323(d) OF CHAPTER 1, PART 1, TITLE 24 OF THE
CALIFORNIA CODE OF REGULATIONS**

WHEREAS, ACCO Engineered Systems (ACCO) submitted a petition under Section 1-313(a) of Chapter 1, Part 1, Title 24 of the California Code of Regulations, to the California Building Standards Commission; and,

WHEREAS, the California Building Standards Commission determined that the petition requested an energy-related amendment and forwarded the petition to the California Energy Commission (CEC) as the agency with sole adoption authority for building energy standards; and,

WHEREAS, ACCO's petition concerns the potential overlap between requirements of the California Mechanical Code and the California Energy Code and potential confusion caused by the potential overlap; and,

WHEREAS, pursuant to Section 1-323(d) of the California Administrative Code, a petition may be denied for cause if the issues cited by the petitioner have been raised and answered during a previous rulemaking; and,

WHEREAS, the issues raised in ACCO's petition were also raised by commenters and by CEC staff as part of the 2022 triennial update to the California Building Code; and,

WHEREAS, in response to those issues, the California Mechanical Code, specifically section 402.1 of the California Building Code, was amended in the 2022 triennial update to clarify that ventilation air requirements for occupancies regulated by the CEC are found in the California Energy Code and supersede those of the California Mechanical Code (the amendment). Specifically, the express language of section 402.1 was amended as follows with new language underlined and deleted language ~~stricken out~~:

402.1 Occupiable Spaces. Occupiable Spaces [...] shall be designed to have ventilation (outdoor) air for occupants in accordance with this chapter. *Ventilation air requirements for occupancies regulated by the California Energy Commission are and found in the California Energy Code supersede those of the California Mechanical Code.*

THEREFORE BE IT RESOLVED, that the petition is denied pursuant to Section 1-323(d) of the California Administrative Code, on the grounds that the issues cited by the petitioner have been raised and addressed during a previous rulemaking; and,

THEREFORE BE IT FURTHER RESOLVED, that staff is directed to inform the California Building Standards Commission and the petitioner of the denial of the petition and to work with the petitioner to explain that the amendment addresses the issues the petitioner raised; and,

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on March 9, 2022

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

DECARBONIZING THE GAS SYSTEM

DOCKET No. 22-OII-02

ORDER INSTITUTING
INFORMATIONAL PROCEEDING

I. INTRODUCTION

As California decarbonizes its energy system, there are critical technical and policy issues related to the state's gas system that must be addressed. As part of the *2021 Integrated Energy Policy Report (2021 IEPR)*, the California Energy Commission (CEC) conducted a comprehensive assessment of key gas issues related to gas system decarbonization. The *2021 IEPR* recommends the state develop a comprehensive, transparent interagency gas transition planning process to ensure a safe, reliable, and equitable transition away from fossil gas to achieve the state's long-term climate goals. In its role in gathering and analyzing critical energy system data to support energy policy development, the CEC is launching an informational proceeding to engage state agencies and stakeholders in planning for the transition away from fossil gas and addressing the challenges the state faces in decarbonizing the gas system.

II. AUTHORITY

The CEC is required under Public Resources Code (PRC) Section 25301(a) to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices." These assessments and forecasts are used to develop recommendations for energy policies that conserve state resources, protect the environment, provide reliable energy, enhance the state's economy, and protect public health and safety. To perform these assessments and forecasts, the CEC may require the submission of demand forecasts, resource plans, market assessments, related outlooks, individual customer historic electric or gas service usage, or both, and individual customer historic billing data, in a format and level of granularity specified by the CEC from electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants. These assessments and forecasts are done in consultation with the appropriate state and federal agencies, including, but not limited to, the Public Utilities Commission, the Public Advocate's Office of the Public Utilities Commission, the State Air Resources Board, the Electricity Oversight Board, the Independent System Operator, and others.

PRC Section 25302 requires the CEC to adopt an integrated energy policy report (IEPR) that contains an overview of major energy trends and issues facing the state, including, but not limited to, supply, demand, pricing, reliability, efficiency, and impacts on public health and safety, the economy, resources, and the environment. The IEPR presents policy recommendations based on an in-depth and integrated analysis of the most current and pressing energy issues facing the state. These provisions of law give the CEC authority to collect the information necessary to address gas transition planning issues.

Vice Chair Siva Gunda shall be the Lead Commissioner for this Order Instituting Informational Proceeding (OIP). PRC Section 25210 authorizes the CEC to hold any hearings, take other actions necessary, and conduct any investigations in any part of the State necessary to carry out its powers and duties, and further affirms that the CEC has the same powers as are conferred upon heads of departments of the State pursuant to Government Code section 11180 et seq. The CEC may exercise or further delegate these authorities pursuant to this OIP as appropriate to collect the information identified in this Order.

III. NATURE AND PURPOSE OF THIS PROCEEDING

As California decarbonizes its energy system, the state faces rapidly emerging gas issues. These issues include declining long-term gas demand from building electrification, the critical interdependencies between the gas and electricity systems, and the potential role of renewable gas, renewable hydrogen, and other low carbon fuels and technologies. One of the overarching themes of the *2021 IEPR* is that to address these issues the state needs a comprehensive, inclusive, long-term gas planning process to ensure a safe, reliable, and equitable transition away from fossil gas. This OIP launches a proceeding to continue the dialogue on gas transition topics and begin carrying out the *2021 IEPR* recommendations. It is intended to foster interagency collaboration with the California Public Utilities Commission, the California Air Resources Board, the California Independent System Operator, and other state agencies, as well as the various stakeholders with an interest in gas decarbonization issues.

As planning the gas system to meet greenhouse gas emission reduction goals is a long-term initiative, this will be a multi-year investigation to run parallel with and feed into the CEC's IEPR processes. The CEC also intends to launch phases within the OIP to focus the proceeding's scope and to address new or emerging issues.

A. Scope of Phase 1 of this Proceeding

The *2021 IEPR* provides comprehensive assessments and forecasts of gas supply, demand, prices and rates, and infrastructure topics. The *2021 IEPR* also identifies areas where analytical improvements will be needed to provide a sound analytical framework to support long-term gas planning. This includes conducting technical assessments and forecasts for gas topics recommended in the *2021 IEPR*. This OIP

will begin implementing these 2021 *IEPR* recommendations. Topics may include, but are not limited to:

1. Improving gas demand forecasts and long-term gas demand scenarios.
 - a. Develop gas demand forecasts at the granularity needed for gas system planning and reliability assessments.
 - b. Work with stakeholders to identify and develop assumptions for gas system planning (e.g., monthly, 1-in-10 cold winter extreme cold peak day, hourly).
 - c. Examine greenhouse gas emission implications of different gas demand scenarios.
2. Improving long-term gas price, rate, and revenue forecasts.
 - a. Develop and expand long-term rate forecasting models, tools, and techniques for examining stranded cost issues.
 - b. Work with stakeholders to develop assumptions and scenarios for long-term rate and revenue forecasts.
 - c. Continue improvements in price (commodity) forecasts.
3. Improving gas infrastructure assessments.
 - a. Verify utility gas infrastructure assessments and hydraulic modeling results.
 - b. Conduct independent hydraulic modeling of gas transmission and distribution system.
 - c. Work with stakeholders to develop assumptions and scenarios for gas system hydraulic modeling.
 - d. Conduct summer and winter reliability assessments.
4. Considering how electric planning can adequately capture interdependencies between the gas and electric system and extreme weather events.
5. Considering the role of renewable gas and renewable hydrogen delivered through the gas system, including sources, supplies, end-uses and other.
6. Other technical assessments and forecasts as needed for long-term gas system planning.

These specific topics may be added to or refined at the direction of the Lead Commissioner within the general scope of gas transition planning.

IV. HEARINGS AND WORKSHOPS

The Lead Commissioner will issue notices at least fourteen (14) days before the first hearing and ten (10) days in advance of any subsequent hearings and workshops and will identify at that time when written comments and/or testimony will be due, as well as the manner of the filing. Public comment will be allowed at all workshops and hearings.

V. 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 oral comments. Petitions to intervene are not necessary.

To foster public participation in this proceeding, 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 list serve and posted on the CEC website. To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, interested persons may subscribe to the proceeding list serve, which can be accessed here: <https://ww2.energy.ca.gov/listservers/index cms.html>. The list serve sends out email notifications and direct links when documents and notices are filed in the proceeding docket.

For additional information about how to participate in this proceeding, please contact the CEC's Office of the Public Advisor, Energy Equity, and Tribal Affairs at (916) 957-7910, or via email at publicadvisor@energy.ca.gov.

Media questions should be directed to the CEC's Media Office by email at mediaoffice@energy.ca.gov.

The CEC therefore institutes an informational proceeding for Decarbonizing the Gas System and directs the Executive Director and staff to collect and evaluate the information needed to address the scope of the proceeding under guidance of the Lead Commissioner.

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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**DISTRIBUTED ENERGY RESOURCES
IN CALIFORNIA'S ENERGY FUTURE**

DOCKET No: 22-OII-01

**ORDER INSTITUTING
INFORMATIONAL PROCEEDING**

I. INTRODUCTION

Distributed energy resources (DER), defined by California law¹ as distribution-connected renewable generation resources, energy efficiency, energy storage, electric vehicles, and demand response, are a strategic priority in achieving California's energy and climate goals. California has embraced the adoption of DER as an important strategy to meet its commitments to increase renewable and zero-carbon resources and support transportation and building electrification.² Building on recommendations from the *2019 Integrated Energy Policy Report (2019 IEPR)*, the *2021 IEPR* recommends the state improve the suite of technology options available to energy users to allow them to better adapt their load to system conditions as flexible power consumers. The *2021 IEPR* also makes recommendations regarding the deployment and grid utilization of clean energy technology innovations that improve grid reliability and resiliency to accelerate California's transition to a zero-carbon electric grid.

In its role in gathering and analyzing critical energy system data to support energy policy development, the California Energy Commission (CEC) is launching this informational proceeding to further explore, collect information, conduct assessments, and support recommendations for the role of DERs in California's energy future. Where appropriate, the CEC will use this informational proceeding as an opportunity to collaborate and coordinate with DER-related research and proceedings of the Public Utilities Commission.

¹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC§ionNum=769 (defining "distributed resources" for purposes of utility deployment of these devices, technologies, and programs).

² See, for example, California Public Utilities Commission's (CPUC) [DER Action Plan](https://www.cpuc.ca.gov/about-cpuc/divisions/energy-division/der-action-plan) work in 2016 and 2021, <https://www.cpuc.ca.gov/about-cpuc/divisions/energy-division/der-action-plan>; [SB 100 Joint Agency Report](https://www.energy.ca.gov/sb100) (2021), <https://www.energy.ca.gov/sb100>; CEC's [California Building Decarbonization Assessment](https://www.energy.ca.gov/data-reports/reports/building-decarbonization-assessment) (2021), <https://www.energy.ca.gov/data-reports/reports/building-decarbonization-assessment>; CEC's [Electric Vehicle Charging Infrastructure Assessment](https://www.energy.ca.gov/programs-and-topics/programs/electric-vehicle-charging-infrastructure-assessment-ab-2127) (2020), <https://www.energy.ca.gov/programs-and-topics/programs/electric-vehicle-charging-infrastructure-assessment-ab-2127>; and CEC's [Big Data and Distribution Resource Planning Market Study](https://www.energy.ca.gov/programs-and-topics/programs/electric-vehicle-charging-infrastructure-assessment-ab-2127) (2021), <https://www.energy.ca.gov/programs-and-topics/programs/electric-vehicle-charging-infrastructure-assessment-ab-2127>.

II. AUTHORITY

The CEC is required under Public Resources Code (PRC) Section 25301(a) to “conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices.” These assessments and forecasts are used to develop recommendations for energy policies that conserve state resources, protect the environment, provide reliable energy, enhance the state’s economy, and protect public health and safety. To perform these assessments and forecasts, the CEC may require the submission of demand forecasts, resource plans, market assessments, related outlooks, and individual customer historic billing data, in a format and level of granularity specified by the CEC from electric, transportation technology suppliers, and other market participants. These assessments and forecasts are done in consultation with the appropriate state and federal agencies, including, but not limited to, the Public Utilities Commission, the Public Advocate’s Office of the Public Utilities Commission, the State Air Resources Board, the Electricity Oversight Board, the Independent System Operator, and others.

PRC Section 25302 requires the CEC to adopt an integrated energy policy report (IEPR) that contains an overview of major energy trends and issues facing the state, including, but not limited to, supply, demand, pricing, reliability, efficiency, and impacts on public health and safety, the economy, resources, and the environment. The IEPR presents policy recommendations based on an in-depth and integrated analysis of the most current and pressing energy issues facing the state. These provisions of law give the CEC authority to collect the information necessary to address DER planning issues.

Vice Chair Siva Gunda shall be the Lead Commissioner for this Order Instituting Informational Proceeding (OIIP). PRC Section 25210 authorizes the CEC to hold any hearings, take other actions necessary, and conduct any investigations in any part of the State necessary to carry out its powers and duties, and further affirms that the CEC has the same powers as are conferred upon heads of departments of the State pursuant to Government Code section 11180 et seq. The CEC may exercise or further delegate these authorities pursuant to this OIIP as appropriate to collect the information identified in this Order.

III. NATURE AND PURPOSE OF THIS PROCEEDING

A. Scope of this proceeding

The CEC recognizes DER as a diverse category of devices and technologies that interface with the electricity system at the distribution level, either directly connected to a distribution utility’s wires or on an end-use customer’s premises, behind the utility meter. For purposes of this OIIP, the CEC includes in the DER umbrella distributed generation and storage, electric vehicles and charging stations, grid-interactive buildings and microgrids, as well as more traditional demand response resources and energy efficiency strategies. Thus, for purposes of this OIIP, the CEC defines DER more broadly than the statutory definition to allow this effort to consider new technologies that interface with the electricity system at the distribution level and that

can help the state achieve its clean energy goals. This OII launches a proceeding to continue the exploration of DER topics and implement the *2021 IEPR* recommendations. It is intended to foster interagency collaboration with the California Public Utilities Commission, the California Air Resources Board, the California Independent System Operator, and other state agencies, as well as the various stakeholders with an interest in DER.

This proceeding will cover the following areas:

- Investigate and document trends in DER technology, functional capability, deployment, cost, and customer value and adoption.
- Describe and assess the benefits DER can provide to customers, communities, the electricity system, the environment, and society at large both quantitatively and qualitatively.
- Investigate co-optimization of utility-scale resources and DER by documenting energy and non-energy benefits of utility-scale and distributed technologies and resulting impacts to transmission and distribution infrastructure.
- Evaluate policies and regulations to optimize DER benefits and value in support of advancing state goals for decarbonization, resilience, affordability, and environmental justice and equity.
- Evaluate incentive structures needed for both deployment and optimal operation of DER, including up-front rebates, tax breaks, and electric retail rate design.
- Assess architectural and functional models for a high-DER future electricity system in California.
- Identify technology gaps and needs for research and development.
- Assess data needs and collect data necessary to support analyses under this OIIP.

For each area of focus, the CEC will develop policy proposals and recommendations as appropriate.

This proceeding will include extensive stakeholder engagement, including workshops, working groups, and outreach to communities and community-based organizations who cannot easily participate in regulatory proceedings. It is estimated to extend through the end of 2023, and the CEC may report interim findings and recommendations in the 2022 and 2023 IEPR proceedings and substantive findings and recommendations in the 2024 IEPR. The CEC may also launch phases within the OIIP to further focus the proceeding's scope and to address new or emerging issues.

Other agencies in the state have ongoing activities and proceedings related to DER. The CEC intends to conduct this proceeding in coordination with these other agencies to complement rather than overlap or duplicate their activities. The CEC's mandate in California energy policy requires a future-oriented, system perspective. To that end, this proceeding will explore issues related to the operation and performance of a mature high-DER electricity system in California, as well as near-term issues that must be addressed along the path to the future system.

The CEC also must take a whole-state perspective, so this proceeding will consider DER-related issues in both investor-owned utility and publicly owned utility service areas, and both within and outside of the California Independent System Operator system.

These specific topics may be added to or refined at the direction of the Lead Commissioner within the general scope of DER planning.

IV. HEARINGS AND WORKSHOPS

The Lead Commissioner will issue notices at least fourteen (14) days before the first hearing and ten (10) days in advance of any subsequent hearings and workshops and will identify at that time when written comments and/or testimony will be due, as well as the manner of the filing. Public comment will be allowed at all workshops and hearings.

V. 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. Petitions to intervene are not necessary.

To foster public participation in this proceeding, 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 list serve and posted on the CEC website. To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, interested persons may subscribe to the proceeding list serve, which can be accessed here: <https://ww2.energy.ca.gov/listservers/index cms.html>. The list serve sends out email notifications and direct links when documents and notices are filed in the proceeding docket.

For additional information about how to participate in this proceeding, please contact the CEC's Office of the Public Advisor, Energy Equity, and Tribal Affairs at (916) 957-7910, or via email at publicadvisor@energy.ca.gov.

Media questions should be directed to the CEC's Media Office by email at mediaoffice@energy.ca.gov.

The CEC therefore institutes an informational proceeding to explore the role of distributed energy resources in California's energy future and directs the Executive Director and staff to collect and evaluate the information needed to address the scope of the proceeding under guidance of the Lead Commissioner.

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 California Energy Commission held on March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

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
GOVERNING THE POWER SOURCE
DISCLOSURE PROGRAM**

DOCKET No: 21-OIR-01

**ORDER INSTITUTING
RULEMAKING**

I. PURPOSE AND SCOPE OF THE PROCEEDING

Pursuant to Public Resources Code sections 25213, and 25218(e), and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (CEC) hereby institutes a proceeding to consider modifications to the Power Source Disclosure regulations, California Code of Regulations, title 20, section 1390 *et seq.* to implement Assembly Bill 242 (AB 242, Holden, Chapter 228, Statutes of 2021) and consider other modifications.

In 1997, Senate Bill 1305 (SB 1305, Sher, Chapter 796, Statutes of 1997) was enacted, adding sections 398.1 through 398.5 to the Public Utilities Code and requiring every retail supplier that sells electricity that is consumed in California to disclose its electricity sources. The bill directed the CEC to establish guidelines for the format and means for such disclosure. The CEC adopted regulations in September 1998. These regulations established the format and timing of various reporting requirements, including a detailed format for the power content label, which is the vehicle for disclosure of electricity sources to consumers. The regulations were subsequently amended in 2001, 2016, and 2020, with the latest modification adding a requirement to report the greenhouse gas emissions intensity associated with purchased electricity portfolios and include it in the power content label pursuant to Assembly Bill 1110 (AB 1110, Ting, Chapter 656, Statutes of 2016).

In 2021, AB 242 was adopted requiring each retail supplier to post their power content labels for the prior year on their website annually by October 1 and to include it in written promotional materials by the end of the first complete billing cycle for the fourth quarter of the current year. The CEC orders that a rulemaking proceeding be opened to consider and adopt modifications to California Code of Regulations, title 20, section 1390 *et seq.* for the purpose of implementing, interpreting, and making specific changes to the regulations to conform to the statutory changes enacted in AB 242 and to make any other modifications to the regulations that are determined to be necessary, including revisions to clarify

existing provisions, improvements to program operations, and amendments to streamline reporting requirements.

II. DELEGATION OF AUTHORITY

The CEC delegates the authority to staff 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 CEC at a noticed Business Meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The Executive Director, in conjunction with the Public Advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in the proceeding. When new information is posted, an email will be sent to those on the Power Source Disclosure (PSD) list server and the General Renewable Energy Info and CEC Renewable Energy Programs list servers. To receive these notices, subscribe at the [PSD page](https://www.energy.ca.gov/programs-andtopics/programs/power-source-disclosure), <https://www.energy.ca.gov/programs-andtopics/programs/power-source-disclosure>. Manage existing list servers or sign up for others at [CEC List Servers](https://ww2.energy.ca.gov/listservers/index cms.html), at <https://ww2.energy.ca.gov/listservers/index cms.html>.

The CEC encourages use of its electronic commenting system. Visit the [e-commenting](https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-OIR-01) page at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-OIR-01>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 California Code of Regulations Section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 21-OIR-01 and “Rulemaking to Amend Regulations Governing the Power Source Disclosure Program” in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

**Docket No. 21-OIR-01
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512**

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC’s Public Advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact publicadvisor@energy.ca.gov for assistance.

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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION
DISTRICT (HBHRCD)**

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 OSW-21-001 with the HBHRCD for an up to \$10,450,000 grant to support infrastructure improvements at the Port of Humboldt, approving authority for the grant's scope of work Tasks 1 through 9. After the appropriate work in Tasks 1 through 9 is complete, the CEC will consider approving Task 10 at a future business meeting. Grant funds will support repurposing the Redwood Marine Terminal to support offshore wind energy development in the North Coast region. The CEC's funding will primarily support preliminary environmental and design work; 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 March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY:

ABSENT:

ABSTAIN:



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: PORIFERA, INC.

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

RESOLVED, that the CEC approves Agreement EPC-21-019 with Porifera, Inc. for a \$2,980,226 grant to develop an automated manufacturing line for a large-format forward osmosis membrane module that enables efficient industrial, agricultural, and municipal wastewater reuse. The full-scale prototype of the large-format forward osmosis system has been designed, built, and demonstrated, making it ready to scale-up for commercialization. This project will design and build an automated manufacturing line at low-rate initial production for membrane packets; 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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: SPARKZ, INC.

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

RESOLVED, that the CEC approves Agreement EPC-21-020 with SPARKZ, Inc. for a \$2,676,670 grant to develop a solid-state lithium battery prototype able to cycle at room temperature and demonstrate the battery for drone use. This technology uses a lithium metal anode and solid, nonflammable electrolytes to increase safety, and energy density while reducing battery costs. The team seeks to demonstrate an innovative freeze tape casting manufacturing method to increase energy density and lower costs. The recipient will also target an energy density over 350 watt-hours/kilogram that can operate at 80 percent capacity for at least 100 cycles; 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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: CUMMINS ELECTRIFIED POWER NA, INC.

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

RESOLVED, that the CEC approves Agreement PIR-21-001 with Cummins Electrified Power NA Inc. for a \$2,000,000 grant to develop and demonstrate two zero-emission hydrogen fuel cell-electric trucks capable of meeting a challenging industrial bulk gas delivery duty cycle. The project will integrate an advanced fuel cell electric powertrain, demonstrate one-to-one replacement of conventional Class 8 diesel trucks, develop a truck-mounted electrified power take-off to power a pump for cryogenic cargo tank trailers, and assess the feasibility of on-board liquid hydrogen storage for extended range; 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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: INSTITUTE OF GAS TECHNOLOGY DBA GAS TECHNOLOGY
INSTITUTE.**

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

RESOLVED, that the CEC approves Agreement PIR-21-002 with Institute of Gas Technology dba Gas Technology Institute for a \$1,999,667 grant to develop an advanced high-power fuel cell system, improve the hydrogen-to-system mass ratio of an onboard hydrogen storage system, and demonstrate low rolling resistance tires in a high-torque EV application. These technologies will be integrated onto a Class 8 truck and demonstrated over 12 months in drayage operations and a challenging regional haul route between the Inland Empire and Northern San Joaquin Valley; 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 March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: CITY OF LONG BEACH HARBOR DEPARTMENT (PORT OF LONG BEACH)

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

RESOLVED, that the CEC approves Agreement ARV-21-046 with the City of Long Beach Harbor Department (Port of Long Beach) for a \$2,500,000 grant to implement a blueprint developed under the Electric Vehicle (EV) Ready Communities Blueprint, Phase I, solicitation (GFO-17-604). This project will deploy 10 Level 2 EV charging stations and stub-out six additional units, develop an electric drayage truck charging siting toolkit, provide updates to drayage equipment feasibility reports, and produce a workforce assessment report; 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 March 9, 2022.

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



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Merced Pipeline LLC - Merced Pipeline Dairy Digester Cluster Expansion Project

WHEREAS, Merced County is the Lead Agency for “Merced Pipeline Dairy Digester Cluster Expansion Project” (hereinafter, “Project”), a proposed project to construct a new expansion to the existing centralized gas clean-up and upgrading facility in Merced County to process the dairy biogas from seven additional participating digesters, which is within the scope of the Merced Biogas Upgrade Facility and Pipeline Project and Conditional Use Permit (CUP) 19-003; and

WHEREAS, Merced County prepared an Initial Study for CUP 19-003 in October of 2019, and a Mitigated Negative Declaration for the Project to evaluate the potential environmental impacts of implementing the Project, copies of which are on file with the California Energy Commission (CEC); and

WHEREAS, the Merced County Planning Commission on November 20, 2019, findings required by the California Environmental Quality Act (“CEQA”), approved and adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for CUP 19-003, thereby imposing mitigation measures upon the Project; and

WHEREAS, Merced County provided standard conditions of approval through Resolution No. 20-001, a copy of which Resolution is on file with the CEC; and

WHEREAS, the CEC is considering proposed Agreement ARV-21-048, “Merced Pipeline Dairy Digester Cluster Expansion Project” (hereafter, “ARV-21-048”), a grant to construct a new expansion to the existing centralized gas clean-up and upgrading facility in Merced County to process the dairy biogas from seven additional participating digesters; and

Prior to acting on the Agreement ARV-21-048, the CEC desires to make certain findings pursuant to the CEQA Guidelines, title 14, section 15096;

NOW THEREFORE, BE IT RESOLVED:

1. The CEC has reviewed the information contained in the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, and CUP-19-003 that is relevant to its approval of ARV-21-048, and has reviewed the CEQA findings contained in the Santa Margarita Water District’s Final Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, and CUP 19-003 which are adopted to the extent that they are relevant to the CEC’s decision to approve ARV-21-048.

2. Merced County has already adopted the mitigation measures recommended in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and has authority to implement the mitigation measures or to seek any required approvals for the mitigation measures for CUP 19-003, and the CEC has no direct authority to implement the mitigation measures.

3. The CEC has reviewed and considered the Final Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, and CUP 19-003, and finds that these documents are adequate for its use as the decision-making body for its consideration of ARV-21-048.

4. Approval of ARV-21-048 (Demonstration of Advanced Primary and Secondary Wastewater Treatment Technology) is within the scope of the Merced Biogas Upgrade Facility and Pipeline Project and CUP 19-003, and the activities evaluated in the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, Merced Biogas Upgrade Facility and Pipeline Project and CUP 19-003.

5. Since the Mitigated Negative Declaration and CUP 19-003 were finalized, and adopted on November 20, 2019, there have been no substantial project changes and no substantial changes in the project circumstances that would require major revisions to the Mitigated Negative Declaration, due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Mitigated Negative Declaration or CUP 19-003 .

6. The CEC has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Project would have on the environment and determined that following Merced County's adoption of the Mitigated Negative Declaration and CUP, none of the circumstances within CEQA section 15162 are present.

THEREFORE BE IT RESOLVED, that the CEC finds, on the basis of the entire record before it, that the mitigation measures incorporated in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan will prevent ARV-21-048 from having any significant environmental impacts; and

FURTHER BE IT RESOLVED, that the CEC approves Agreement ARV-21-048 with Merced Pipeline LLC, for \$ 1,500,000; 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 March 9, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE



Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: NEW LEAF BIOFUEL, 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 ARV-21-050 with New Leaf Biofuel, LLC for a \$1,000,000 grant to install storage tanks at an existing site that will allow railcars to offload biofuel and then fill transport trucks independently, rather than requiring both to be simultaneously present. This project will increase the site's throughput from 10 million gallons per year to up to 88 million gallons per year with waste-derived renewable fuels, thereby offsetting up to 723,146 MTCO₂ per year at full capacity; 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 March 9, 2022.

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



Liza Lopez
Secretariat