

DOCKETED	
Docket Number:	22-BSTD-04
Project Title:	2022 Energy Code Photovoltaic and Battery Storage Exceptional Methods Determinations
TN #:	245877
Document Title:	Notice of Public Comment Period for Trinity PUD 2022 Solar PV Determination
Description:	N/A
Filer:	Muhammad Faisal Saeed
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/6/2022 12:09:27 PM
Docketed Date:	9/6/2022

CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

Main website: www.energy.ca.gov



Notice of Public Comment Period Docket No. 22-BSTD-04

Application for Photovoltaic System Requirement Determination by Trinity Public Utility District in Accordance with Section 10-109(k) of the California Code of Regulations, Title 24, Part 6

Trinity Public Utility District submitted an application for a photovoltaic system requirement determination to the California Energy Commission (Energy Commission) on June 10, 2022, to be exempt from the photovoltaic requirement for newly constructed low-rise residential buildings, included in the *2022 Building Energy Efficiency Standards*. The Trinity PUD had applied for the same CEC determination for the 2019 Energy Code, as well and the CEC staff determined that Trinity's rules regarding residential rates and compensation for customer-owned generation cause the CEC's cost-effectiveness conclusion for low-rise residential solar PV systems not to hold. The Energy Commission will evaluate the application as it relates to California Code of Regulations, Title 24, Part 6, Chapter 10, Section 10-109(k), which is applicable in cases where "the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, interconnection fees, or other factors, causes the Commission's cost effectiveness conclusions, made pursuant to Public Resources Code 25402(b)(3), to not hold for particular buildings."

Staff's review of the application will determine if the application is complete and includes all the supporting information necessary for the Energy Commission to determine if Section 10-109(k) is applicable for newly constructed low-rise residential buildings within the Trinity Public Utility District. Staff encourages interested parties to participate in the review and seek comments on the application, as well as any potential impacts relating to the proposal.

Background

On August 11, 2021 the California Energy Commission (CEC) adopted the 2022 *Building Energy Efficiency Standards* (2022 California Energy Code), which include new solar photovoltaic (PV) requirements for all newly constructed single family and low-rise multifamily buildings in §150.1(c) and §170.2(f) respectively. Low-rise multi-family buildings multifamily buildings that have three habitable stories or fewer. These requirements, along with the rest of the 2022 Energy Code, go into effect January 1, 2023.

California Code of Regulations, Title 24, Part 1, Chapter 10, Section 10-109(k), specifies that “The Commission may, upon written application or its own motion, determine that the photovoltaic or battery storage requirements in Section 150.1(a), Section 140.0(c), Section 170.0(a) shall not apply, if the Commission finds that the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, interconnection fees, or other factors, causes the Commission’s cost effectiveness conclusions, made pursuant to Public Resources Code 25402(b), to not hold for particular buildings”.

At its board meeting on June 9, 2022, Trinity Public Utility District conducted a public hearing and approved the decision to seek a determination under Section 10-109(k) of the California Code of Regulations, Title 24, Part 6, Chapter 10. Trinity Public Utility District has now submitted an application proposing that its residential energy rates of \$0.059 to \$0.071 per kilowatt-hour are lower than those assumed by the Energy Commission when determining cost-effectiveness of solar photovoltaic systems, and that the 2022 residential solar photovoltaic requirements are not cost-effective when these rates are applied.

Trinity Public Utility District's application includes the following:

- A cover letter that summarizes the proposal;
- Trinity Public Utility District's Residential Energy Rate Schedule; and
- Meeting Minutes of the public hearing on June 9, 2022.

A copy of the documents are attached on the following pages.

Public Comments

Written comments should be submitted by **5:00 p.m. on Monday, October 3, 2022**. If you wish to submit comments on the proposal, please submit them using the e-commenting feature on the Energy Commission's webpage at: <https://efilinginternal.energy.ca.gov/Docket/DocumentSearch.aspx?search=22-BSTD-04>

A full name, email address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the Commission Docket Unit.

You are encouraged to use the electronic filing system described above to submit comments. If you are unable to submit electronically, a paper copy of your comments, including the docket number 22-BSTD-04 and indicating "Trinity Public Utility District Photovoltaic System Determination" may be sent to:

California Energy Commission
Docket Unit, MS-4
Re: Docket No. 22-BSTD-04
715 P Street
Sacramento, CA 95814-5504

Or email them to: DOCKET@energy.ca.gov

Please note that your e-comments, emails, written letters, any attachments and associated contact information (for example, address, phone number, and email address) become part of the viewable public record. Additionally, this information may become available via internet search engines.

Public Participation

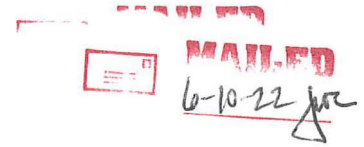
The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this forum, please contact the Acting Public Adviser, Jennifer Martin-Gallardo, at (916) 654-4489 or toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov.

Please direct all news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

If you have questions on the subject matter of this notice, please contact Muhammad Saeed at (916) 896-4797, or by email at Muhammad.Saeed@energy.ca.gov.



June 10, 2022



Mr. Muhammad Faisal Saeed, P.E., LEED AP (BD+C)
Senior Electrical Engineer, Building Standards Office, Efficiency Division
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512
Muhammad.Saeed@Energy.ca.gov

Re: Trinity Public Utilities District's Request for a Residential Solar Photovoltaic Determination

Dear Mr. Saeed,

On behalf of the Trinity Public Utilities District (TPUD), I am writing to seek a determination from the California Energy Commission (Commission) under Section 10-109(k) of the 2022 Energy Code. Section 10-109(k) allows the Commission to determine that the solar photovoltaic (PV) requirements of Sections 150.1(a)(3), applicable to single family residential buildings, and 170.0(a)(3), applicable to multifamily buildings of three habitable stories or less, should not apply if the Commission finds that its cost-effectiveness conclusions are not accurate.¹ By this letter, TPUD seeks a determination that the solar PV requirements of Section 150.1(a)(3) and Section 170.0(a)(3) are not cost-effective and should not apply within TPUD's service area.

TPUD supports the Commission's efforts to shift California away from fossil-fuel based energy, and TPUD currently distributes and sells 100% carbon-free hydropower that is fully compliant with California's Renewables Portfolio Standard. However, requiring solar PV in TPUD's service area is not cost-effective and will exacerbate socio-economic challenges faced by Trinity County residents. Trinity County is one of the poorest counties in the state of California, and its remote location makes building in Trinity County more expensive than elsewhere, aggravating our severe housing shortage.

The Commission previously determined that the solar PV requirements were uneconomic for all low-rise residential buildings in TPUD's service area. In March 2019, TPUD submitted an application requesting a cost-effectiveness determination regarding the low-rise residential solar PV requirements of the 2019 Energy Code.² Subsequently, Commission staff performed a cost-effectiveness analysis and determined that the solar PV requirements were not cost-effective for the TPUD service area.³ Specifically, Commission staff found that due to TPUD's low energy rates, solar PV system costs will exceed any bill savings for customers.⁴ At the Commission's January 22, 2020 Business Meeting, the Commission approved TPUD's application and

¹ The solar PV requirements are specifically found at Sections 150.1(c)(14) and 170.2(f), respectively.

² *Trinity Public Utilities District's Request for Residential Photovoltaic Determination*, March 15, 2019, Docket 19-BTSD-05 (TN 228621).

³ *Staff Review and Analysis for Trinity Public Utility District's Application for a Solar Photovoltaic Determination* at 15 (December 19, 2019), Docket 19-BTSD-05 (TN 231332).

⁴ *Id.* at 11.

determined that the solar PV requirements in the 2019 Energy Code shall not apply to TPUD's service area.⁵

TPUD's low rates make rooftop solar uneconomic in TPUD's service area. TPUD's residential rate schedule is attached showing our current residential energy charge, which ranges from \$.05764 to \$.07472 per kWh, depending on the geographic area of our system. By 2025, all rates within TPUD's service area will equalized around \$.064 per kWh. Consistent with the Commission's prior determination, the solar PV mandate is not cost-effective for TPUD.

On behalf of TPUD, I respectfully request that the Commission make the determination under Section 10-109(k) of the 2022 Energy Code that the solar PV requirements of Sections 150.1(a)(3) and 170.0(a)(3) do not apply within TPUD's service area.

Sincerely,



Paul Hauser
General Manager

Attachments: Trinity Public Utilities District's Public Hearing Minutes (June 9, 2022)
Trinity Public Utilities District's Rate Schedule

Cc (email only): Cheng Moua, Building Standards Office, CEC
Peter Straight, Building Standards Office, CEC
Bill Pennington, Commissioner's Office, CEC
Matt Chalmers, Office of the Chief Counsel, CEC
Drew Bohan, Executive Director, CEC

⁵ Minutes of the January 22, 2020, Energy Commission Business Meeting at 4 (Item 6).

Trinity Public Utilities District
MINUTES OF THE SPECIAL MEETING OF THE BOARD
June 9, 2022

Location: Trinity Public Utilities District Community Room
26 Ponderosa Lane, Weaverville, California

Board Present: Alex Cousins, Kelli Gant, Nicholas Goulette, Andrew Johnson, Michael Rourke

Board Absent: None

Others Present: Paul Hauser, Jim Underwood, Mike Garcia, Julie Catanese, Sarah Sheetz, David DeLange, Dale Miller,

Others Present via Audio/Video

Teleconference: Merritt Goodyear

1. President Rourke called the meeting to order at 1:30 p.m.

2. Approval of the Agenda Order

Director Cousins made a motion to approve the Agenda Order. Director Gant seconded the motion. The motion passed with the following roll call vote:

Alex Cousins	-Aye
Kelli Gant	-Aye
Andrew Johnson	-Aye
Michael Rourke	-Aye

3. Administer Oath of Office as a Board of Director to Nicholas Goulette

Ms. Sheetz administered the Oath of Office to Director Goulette

4. Public Hearing and Consideration of Approval of Request to the California Energy Commission seeking a determination that the Photovoltaic Requirements of Section 105.1 (a)(3) and Section 170.0 (a)(3) of the 2022 Energy Code shall not apply on the basis of cost effectiveness.

Mr. Hauser reviewed the request with the Board. The California Energy Commission, in 2019, determined that the photovoltaic requirements (rooftop solar) of Section 150.1(c)14 of the 2019 Energy Code did not apply on the basis of cost effectiveness. The District is again seeking a determination that the rooftop solar requirement should not apply within the District's Service Territory on the basis of cost effectiveness.

President Rourke opened the Public Hearing at 1:36 p.m.

There were no comments from the Public.

President Rourke closed the Public Hearing at 1:37 p.m.

Director Cousins made a motion to approve the request to the California Energy Commission as presented. Director Gant seconded the motion. The motion passed with the following roll call vote:

Alex Cousins	-Aye
Kelli Gant	-Aye
Nicholas Goulette	-Aye
Andrew Johnson	-Aye
Michael Rourke	-Aye

5. Adjournment

There being no further business, President Rourke adjourned the meeting at 1:37 p.m.

Michael Rourke, President

ATTEST: _____
Andrew Johnson, Clerk

**PRIMARY
RESIDENTIAL SERVICE A**

APPLICABILITY

This schedule is applicable to single-phase and polyphase residential service in single-family dwellings and in flats and apartments separately metered by the District; to single-phase and polyphase service in common areas in a multifamily complex; to a second single-phase service to a single-family residential premise for service to domestic water pumping and unattached outbuildings and barns; to residential single-phase and polyphase service supplied to a mobile home park or residential RV Park through one meter on a single premise and submetered to all individual tenants. Residential service shall not be applicable to or available for new three-phase service after December 1, 1995, resale for profit, standby or auxiliary service, service to any single motor exceeding a nameplate rating of ten (10) horsepower, or any equipment which will cause excessive voltage fluctuations.

Any Residential service that uses more than 9,999 kWh in any given month will be reclassified to Rate Schedule 20, High Impact Load Service. For the purpose of determining monthly usage all electric meters on a parcel shall have their energy usage aggregated and treated as a single meter. However, the System Access Charge shall apply to all meters separately. Once reclassified, and after twelve (12) consecutive months with usage below 10,000 kWh, the owner may petition the District's General Manager for reclassification back to Rate Schedule 1. Residential services that service a common area in a multifamily complex, or a service supplying power to a mobile home park or residential RV Park through one meter will be exempt from reclassification to Rate Schedule 3 or Rate Schedule 20.

MONTHLY RATE

EFFECTIVE DATE	GEOGRAPHIC ZONE A		GEOGRAPHIC ZONE B	
	SYSTEM ACCESS CHARGE	ENERGY CHARGE – kWh	SYSTEM ACCESS CHARGE	ENERGY CHARGE - kWh
2/11/2022	27.50	0.05764	27.50	0.07472
2/11/2023	31.00	0.05983	31.00	0.07122
2/11/2024	34.50	0.06202	34.50	0.06772
2/11/2025	38.00	0.06422	38.00	0.06422

GEOGRAPHIC ZONES

Customers within the geographic boundaries of the District that existed on June 30, 1993, and in the geographic boundaries of the Hayfork Valley P.U.D. that existed on June 30, 1993 are classified customers within the Geographic Zone A, all other customers are classified as within the Geographic Zone B. The geographic boundaries shall be determined by records kept by the County Clerk.

DROUGHT RELIEF SURCHARGE

To the charges computed under the above rate, including any adjustments, shall be added applicable Drought Relief surcharges pursuant to Rate Schedule No. 18, Drought Relief Surcharge.

TAX CLAUSE

To the charges computed under the above rate, including any adjustments, shall be added the applicable proportionate part of any taxes or governmental impositions which are, or may in the future be, assessed on the basis of gross revenues of the District and/or the price or revenue from the electric energy or service sold and/or the volume of energy generated or purchased for sale and/or sold hereunder. As of the date this rate was approved, two such assessments existed: (1) the specified per kWh tax established by the California Energy Commission; and, (2) a 2.85% of revenue "Public Benefit" surcharge on total revenue from power sold.

GUARANTEED PAYMENTS

When a customer agrees pursuant to the District Line Extension Policy, to guarantee certain payments, such payments may supersede the rates established herein.

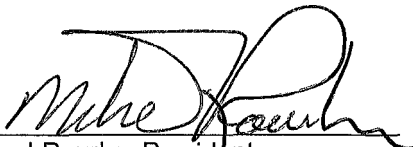
TERMS AND CONDITIONS

1. The District shall not be liable for any damages, direct, consequential, or any other, if this rate is terminated or the provisions thereof changed by action of the Board of the District or any regulatory agency, state or federal, or by action of any court.
2. The rates stated herein are subject to such changes as may be authorized by the Board of Directors of the District from time to time.

AVAILABILITY

Throughout the entire District's service area where the facilities of the District are available of adequate capacity and reasonably accessible to the customer service panel.

Date Effective: February 11, 2022
Date Approved: January 13, 2022
Resolution No.: 22-02



Michael Rourke, President