

DOCKETED	
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Project Title:	Emergency Rulemaking for AB205, Opt-In Provisions
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California Energy Commission

Business Meeting Agenda

October 12, 2022
10:00 a.m. – 3:30 p.m.

In-person at:

California Natural Resources Agency Building
715 P Street
First Floor Auditorium
Sacramento, California 95814
(Wheelchair Accessible)

Option for Remote Public Access via Zoom™

<https://zoom.us/> Meeting ID: **938 6923 0237** Passcode: **mtg@10am**

Remote participation instructions are below, after line items.

Please note that the California Energy Commission (CEC) aims to begin the business meeting promptly at the start time and the end time is an estimate based on the agenda proposed. The meeting may end sooner or later than the time indicated depending on various factors.

Pursuant to the California Code of Regulations (CCR), title 20, section 1104(e), any person may make an oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes or less per person. Any person wishing to comment on information items or reports (non-voting items) shall speak during the public comment portion of the meeting and have three minutes or less to comment.

THE CEC WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING:

1. Consent Calendar.

Items will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.

- a. Interstate Renewable Energy Council, Inc. Proposed resolution approving Agreement 200-22-009 with Interstate Renewable Energy Council, Inc. for a \$5,000 sponsorship contract to support the research and implementation of the 2021 National Solar Jobs Census, including California-specific data. (ERPA Funding) Contact: Lisa Linares

- b. Danish Energy Agency. Proposed resolution approving a Memorandum of Understanding, MOU-22-002, between the CEC and the Danish Energy Agency to establish a flexible framework to promote sharing of knowledge, experiences, data, and best practices relevant to the CEC's activities on offshore wind and decarbonization of the building and industrial sectors. Contact: Alana Sanchez
- c. Solar Energy Generating Systems (SEGS) III-VII (87-AFC-01C). Proposed order to terminate the CEC certification of the SEGS III-VII facility, and finding that this action is not a project under the California Environmental Quality Act (CEQA). The SEGS III-VII facility Decommissioning Plan (DP) was approved by the CEC on June 9, 2021, and all work was completed by September 29, 2022, consistent with the approved DP, necessitating the removal of the site from CEC jurisdiction. Upon termination of the CEC's jurisdiction, the County of San Bernardino will assume jurisdiction over the SEGS III-VII site. Contact: John Heiser
- d. Order Instituting Rulemaking (OIR) Proceeding (2022-AAER-05). Proposed OIR to consider amendments to the Appliance Efficiency Regulations, contained in CCR, title 20, sections 1601 to 1609. The CEC will consider establishing efficiency standards, test procedures, marking requirements, certification requirements, and any other appropriate regulations for water closets. The goal of this rulemaking is to reduce water and energy consumption in California. Contact: Jessica Lopez
- e. National Environmental Management Institution Committee (NEMIC). Proposed resolution approving NEMIC's proposed amendments to its acceptance test technician certification provider application in compliance with the *2022 Building Energy Efficiency Standards (2022 Energy Code)*. Contact: Joe Loyer
- f. Certification of Updated 2022 Single-Family Residential Alternative Calculation Method (ACM) Reference Manual, 2022 Nonresidential and Multifamily ACM Reference Manual, and California Building Energy Code Compliance Software (CBECC-RES 2022.2.0 and CBECC 2022.2.0). Proposed resolutions certifying the following, and adopting staff's determination that these actions are exempt from CEQA:
 - i. Updated 2022 Single-Family Residential ACM Reference Manual and Nonresidential and Multifamily ACM Reference Manuals, which were previously certified pursuant to Public Resources Code (PRC) section 25402.1(e). The ACM Reference Manuals document the modeling methods used in the 2022 compliance software, which demonstrates performance compliance with the 2022 Energy Code. The ACM Reference Manuals are a part of a package of guidance documents that are required by PRC section 25402.1(e) and act as a reference and instructional guide to aid in the design and construction of energy-efficient buildings.
 - ii. Updated 2022 public domain residential, nonresidential, and multifamily software (CBECC-Res 2022.2.0 and CBECC 2022.2.0), which were previously approved pursuant to PRC section 25402.1(a). The public domain compliance software enables contractors, builders, engineers, and

government officials to demonstrate performance compliance with the 2022 Energy Code. Contact: Haile Bucaneg and RJ Wichert

- g. The Regents of the University of California, on behalf of the Irvine Campus. Proposed resolution approving Agreement 600-22-003 with The Regents of the University of California, on behalf of the Irvine Campus for a \$250,000 contract to analyze and update the projected cost and performance status of current and emerging green hydrogen production technology to support decarbonization strategies that promote deployment of heavy-duty fuel cell EVs, and support CEC planning aimed at maximizing the successful scale-up of the green hydrogen sector in California, and adopting staff's determination that this action is exempt from CEQA. (Clean Transportation Program Funding) Contact: Phil Cazel
- h. Energy Conservation Assistance Act (ECAA) Loan Program. Proposed resolutions approving two ECAA-Regular loans at one percent interest. (ECAA Funding) Contact: Sean Lockwood
 - i. City of Santa Cruz. Proposed resolution approving Agreement 004-22-ECI with the City of Santa Cruz (City) for a \$2,424,224 loan at one percent simple interest to install three solar photovoltaic (PV) arrays totaling 449.3 kilowatts (kW) at three city sites and upgrade existing lighting to high efficiency LED lighting at one city site, and to adopt staff's determination that this action is exempt from CEQA. Upon project completion, it is estimated to reduce about 721,424 kW-hour of grid electricity consumption in the first year of solar production, saving approximately \$144,236 in utility costs per year. The loan repayment term is approximately 17 years, which is within ECAA program requirements.
 - ii. Yosemite Community College District. Proposed resolution approving Agreement 005-22-ECI with the Yosemite Community College District for a \$3,000,000 loan at one percent simple interest to upgrade lighting fixtures to high efficiency LED lighting and install lighting controls at Modesto Junior College East Campus and Modesto Junior College West Campus, and to adopt staff's determination that this action is exempt from CEQA. Upon project completion it is estimated to reduce about 2,276,384 kW-hour per year, saving approximately \$254,955 in utility costs per year. The loan repayment term is approximately 12 years, which is within ECAA program requirements.
- i. EV Charging Solutions, Inc. Proposed resolution approving Agreement ZVI-22-016 with EV Charging Solutions, Inc. for a \$1,882,500 grant to install 245 Level 2 chargers and two direct current fast chargers (DCFC) at three locations in Los Angeles to demonstrate replicable and scalable business and technology models to maximize access and EV miles traveled for multifamily housing residents, and adopting staff's determination that this action is exempt from CEQA. (General Fund Funding) Contact: David Wensil

- j. Veloz. Proposed resolution approving Agreement 600-22-002 with Veloz for a \$100,000 contract that provides the CEC membership for one year. Membership allows the CEC to participate in member meetings, working groups, workshops, briefings, and other events; and to provide input on electric vehicle (EV) awareness campaigns including the prominent display of the CEC logo on related public-facing literature and displays. Veloz membership provides a forum collaborate with stakeholders in the EV community. (Clean Transportation Program Funding) Contact: Sharon Purewal

2. Amendments to Load Management Standards (21-OIR-03).

Proposed resolution approving amendments to the Load Management Standards portion of title 20, sections 1621 and 1623, and adopting staff's determination that this action is exempt from CEQA. These amendments would require the Los Angeles Department of Water and Power, Sacramento Municipal Utility District, Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric, and community choice aggregators that deliver more than 700-gigawatt hours of energy annually to make hourly dynamic rates and programs available to their customers. Contact: Stefanie Wayland (Staff Presentation: 10 minutes)

3. Information Item on Getting California on Track for 2030 and 2045 Climate Targets.

Energy Innovation Executive Director Anand R. Gopal, Ph.D., will discuss the need for opportunities for early action to accelerate emission reductions and the risks of missing California's 2030 and carbon neutrality targets. Contact: Noemí Gallardo (Staff Presentation: 5 minutes)

4. Information Item on State Response to September 2022 Heat Wave.

In September 2022, California experienced record-high temperatures leading to the highest recorded electricity demand in the month of September across the state. Staff will present on the collective efforts of the Governor's Office, CEC, California Public Utilities Commission (CPUC), California Department of Water Resources, California Independent System Operator, and public and private partners to reduce load and use additional resources to avoid systemwide outages. Contact: David Erne (Staff Presentation: 5 minutes)

5. Information Item on Energy Data Modernization.

Staff will provide an update on the ongoing data modernization efforts at the CEC and preview plans for the upcoming Data and Analytics Workshop. Contact: Jason Harville (Staff Presentation: 5 minutes)

6. Information Item on Vehicle-to-Grid (V2G).

Staff will provide an update on the CEC's efforts to advance V2G opportunities in California. Contact: Jeffrey Lu (Staff Presentation: 5 minutes)

7. Emergency Rulemaking for Assembly Bill (AB) 205 Opt-in Certification Provisions (22-OIR-01).

Proposed resolution adopting CCR, title 20, article 4.1, sections 1875-1882 to implement the opt-in certification program contained in Chapter 6.2 of Division 15 of the PRC, and adopting staff's determination that this action is exempt from CEQA. PRC section 25545.12 directs the adoption of these regulations to be considered an emergency by OAL. This action comes after a public workshop held on September 19, 2022. Contact: Eric Knight (Staff Presentation: 5 minutes)

8. Information Item on Interagency Plans under AB 205's Opt-in Permitting Program.

The Chief Counsel's Office will provide an update on the plans developed between the CEC and the California Department of Fish and Wildlife, the State Water Resources Control Board, and the Department of Toxic Substances Control pursuant to PRC section 25545.5 to ensure timely and effective consultation between the agencies on applications submitted under the new opt-in permitting program for non fossil-fueled facilities and related facilities under AB 205 (ch. 61, stats. 2022). The plans were required to be developed 90 days after the bill took effect. Contact: Hank Crook (Staff Presentation: 5 minutes)

9. Emergency Rulemaking for AB 205/209 Certification of Department of Water Resources (DWR) Facilities (22-OIR-02).

Proposed resolution adopting CCR, title 20, article 4.2, sections 1890-1899.1 and Appendix SRR to implement the DWR facility certification portion of the Strategic Reliability Reserve program contained in PRC sections 25794-25794.9, and adopting staff's determination that this action is exempt from the CEQA. PRC section 25793(c) directs the adoption of these regulations to be considered an emergency by the Office of Administrative Law (OAL). This action comes after a five-day public notice and comment period and a public workshop held on September 30, 2022. Contact: Kari Anderson (Staff Presentation: 5 minutes)

10. Amendments to the Small Power Plant Exemption (SPPE) Regulations (21-OIR-04).

Proposed resolution amending the SPPE regulations contained in CCR, title 20, sections 1934-1948, Appendix B and Appendix F, to remove the evidentiary process; updating the information requirements for an SPPE application; and adopting staff's determination that this action is exempt from CEQA. This action comes after a 45-day public comment period and an August 30, 2022, public hearing. Contact: Jared Babula (Staff Presentation: 5 minutes)

11. Los Medanos Energy Center (LMEC) Petition to Amend (98-AFC-01C).

Proposed order amending the CEC's certification of the LMEC allowing for the installation of a temporary onsite pilot scale solvent system (ION Clean Energy) to capture carbon dioxide from flue gas, adding Conditions of Certifications AQ-ION 1 through AQ-ION 7 to address the potential for an increase in emissions of ammonia

and Volatile Organic Compounds, and adopting staff's determination that the project does not require a subsequent or supplemental environmental impact report under PRC 21166. Contact: Elizabeth Huber (Staff Presentation: 5 minutes)

12. Proposed Resolution Approving the *Gas Research and Development Program 2022 Annual Report*.

This gas annual report highlights project successes and research benefits of completed and in-progress projects for Fiscal Year 2021–2022 (July 1, 2021, through June 30, 2022). In the past fiscal year, the CEC administered \$24 million for gas research, development, and demonstration geared toward improving entrepreneurial support; building decarbonization; gas system decarbonization; industrial and agricultural innovation; transportation; and resiliency, health, and safety in California. The report is due to the CPUC and Legislature by October 31, 2022. Contact: Misa Werner (Staff Presentation: 5 minutes)

13. Indian Energy LLC.

Indian Energy LLC. Proposed resolution approving Agreement LDS-22-001 with Indian Energy LLC for a grant of up to \$31,259,680 to deploy a 60 megawatt-hour hybrid long-duration energy storage battery system, which is the first award under the Long-Duration Energy Storage Program, and adopting staff's determination that this action is exempt from CEQA. This project will use vanadium flow batteries and zinc hybrid cathode batteries in a hybrid-module arrangement combined with carport-mounted solar photovoltaics in a behind-the-meter microgrid to demonstrate sustained critical operations for the Viejas Tribe of Kumeyaay Indians. (General Fund Funding) Contact: Mike Gravely (Staff Presentation: 5 minutes)

14. The Latino Equity Advocacy & Policy Institute, the LEAP Institute.

Proposed resolution approving Agreement EPC-22-008 with The Latino Equity Advocacy & Policy Institute for a \$675,103 grant to develop and demonstrate the mobile renewable backup generation of more than 12 kWh of lithium-ion batteries with renewable power generation, and adopting staff's determination that this action is exempt from CEQA. Backup generation technologies will be demonstrated in three different climate zones in an investor-owned utility service territory located in either a disadvantaged or low-income community. (EPIC Funding) Contact: Mike Gravely (Staff Presentation: 5 minutes)

15. Zero-Emission Drayage Truck and Infrastructure Pilot Project – GFO-20-606.

This solicitation sought proposals to fund large-scale pilots of on-road, zero-emission Class 8 drayage and regional haul trucks as well as the necessary zero-emission vehicle fueling infrastructure needed for service operation. (General Fund Funding) Contact: Marc Perry (Staff Presentation: 5 minutes)

- a. San Joaquin Valley Air Pollution Control District. Proposed resolution approving Agreement ZVI-22-014 with San Joaquin Valley Air Pollution Control District for a \$10,348,873 grant to install a minimum of 25 DCFC and a battery energy storage system (BESS) to support 50 on-road Class 8 battery-electric trucks and to

conduct workforce training and development and community outreach, and adopting staff's determination that this action is exempt from CEQA. The proposed DCFC and BESS will be capable of charging and supporting the pilot of 50 on-road, Class 8 Volvo battery-electric trucks that are being funded by the California Air Resources Board (CARB).

- b. San Joaquin Valley Air Pollution Control District. Proposed resolution approving Agreement ZVI-22-015 with San Joaquin Valley Air Pollution Control District for a \$4,550,710 grant to purchase and install at least eight DCFC and a BESS, to conduct workforce training and development, and to perform community outreach in Fresno, California, and adopting staff's determination that this action is exempt from CEQA. The proposed DCFC and BESS will be capable of charging and supporting the pilot of 50 on-road, Class 8 Tesla battery-electric trucks that are being funded by CARB.

16. Minutes.

Possible approval of the June 8, 2022, and September 14, 2022, Business Meeting minutes.

17. Lead Commissioner or Presiding Member Reports.

A lead commissioner on a policy matter and a presiding member on a delegated committee may report to the CEC on relevant matters and discussion may follow.

18. Executive Director's Report.

19. Public Advisor's Report.

20. Public Comment.

Pursuant to the CCR, title 20, section 1104(e), any person may make an oral comment on any agenda item. To ensure the orderly conduct of business, comments will be limited to three minutes or less per person and one representative per organization. The CEC notes that any person wishing to comment on non-voting items such as information items or reports shall provide comments during this period.

21. Chief Counsel's Report.

- a. Pursuant to Government Code section 11126(e)(1), the CEC may adjourn to closed session with its legal counsel to discuss the following matter to which the CEC is a party:
 - i. *Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King (United States District Court for the Eastern District of California, Case No. 2:20-cv-02283).*
 - ii. *Okemiri v. California Energy Commission, et al. (Sacramento Superior Court, Case No. 34-2018-00246019).*

- b. Pursuant to Government Code section 11126(e)(2), the CEC may also adjourn to closed session with its legal counsel to discuss facts and circumstances in the following matter that may warrant the initiation of litigation:
- i. CEC grant agreement with Colony Energy Partners – Tulare, LLC (ARV-14-029).*
 - ii. CEC grant agreement with Vehicle Grid Integration Alliance (ARV-13-057).*

In-Person Instructions

Visitors will need to sign in with security and receive a pink or green temporary visitor badge to enter the primary meeting location in the Auditorium. The sign-in sheet at the security desk is for security purposes only and is not retained by the CEC as a public record. Any sign-in sheet in the Auditorium will be voluntary. Visitors are not permitted on any floor or room other than the Auditorium and restrooms without a visitor badge and staff escort. Masks and social distancing are encouraged but not required.

Remote Access Instructions

Remote access is available by either internet or call-in options.

Zoom: Click the link below to participate and provide public comment via Zoom.

<https://energy.zoom.us/j/93869230237?pwd=Zm96c09ULzdXTjd4eldtUXdnUGErDz09>.

Zoom may also be accessed at <https://zoom.us/join>. To join, enter the **meeting ID 938-6923-0237** and the **password mtg@10am**. To participate by phone, dial (669) 900-6833 or toll free at (888) 475-4499 and enter **meeting ID 938-6923-0237**. For Zoom technical support dial (888) 799-9666 ext. 2 or contact the CEC's Public Advisor for help at publicadvisor@energy.ca.gov and (916) 957-7910.

Public comment periods will be available throughout the business meeting and is expected to be three minutes or less per speaker and one person per organization. Depending on the number of members of the public seeking to make a comment, the Chair may adjust the total time allotted for public comment and the time allotted for each comment.

If participating via Zoom's online platform, use the "raise hand" feature to indicate you would like to make a comment. The Public Advisor will open your line to speak. Please restate and spell your name for the record; indicate if you have an affiliation and begin your comments.

If participating by telephone, press *9 to "raise your hand" and *6 to mute/unmute. The Public Advisor will announce the last three digits of the phone number listed and open your line. Make sure to unmute your phone before speaking then restate and spell your name for the record, indicate if you have an affiliation; and begin your comments.

Verizon: The CEC's Verizon phone line will solely be available if the Zoom service disconnects and shuts down. If that situation arises, the CEC Verizon line will be available for the public to listen and make public comment. Call the CEC's Verizon line at (888) 823-5065 and enter the passcode: business meeting. To make public comment about a specific item, please provide your name, affiliation if any, and the item number to the operator. Once connected, press *0 for help or to speak with the operator. The operator will open your line when it is your turn to speak. Restate and spell your name for the record. The operator will mute your line when you are finished commenting.

Zoom's closed captioning service will be enabled for CEC business meetings. Attendees can use the service by clicking on the "live transcript" icon and then choosing

either “show subtitle” or “view full transcript.” The closed captioning service can be stopped by exiting out of the “live transcript” or selecting the “hide subtitle” icon. If using a phone, closed captioning is automatic and cannot be turned off. While the closed captioning is available in real-time, it typically includes errors. A full and formal transcript rendered by a professional court reporter will be posted in the CEC’s business meeting docket and the CEC’s business meeting webpage.

Public Advisor Assistance. Direct questions about how to participate in the business meeting or to request interpreting services or other reasonable modification and accommodations to the Public Advisor at publicadvisor@energy.ca.gov or by phone at (916) 957-7910. Requests for interpreting services, reasonable accommodations, and other modifications should be made as soon as possible and at least five days in advance. The CEC will work diligently to meet all requests based on the availability of the service or resource needed. Additionally, the Public Advisor may upon the request of public participants who may be absent from the CEC’s place of business or during the business meeting when a matter of interest to them is being considered, neutrally and publicly relate those participants’ points to the CEC on behalf of members of the public. If you are interested in this service, please email concise comments, specifying your main points, before the start of the business meeting to the Public Advisor. Comments submitted after the business meeting starts will be filed in the business meeting docket.

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Adjournment. Depending on time and the orderly management of proceedings, the CEC may adjourn, recess, or postpone any noticed hearing or meeting to be continued the next day, another specific date or time, or the next business meeting. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code sections 11128.5, 11129)