

DOCKETED

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Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
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Description:	N/A
Filer:	Liza Lopez
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Docketed Date:	12/20/2022

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Geothermal Resources Council (GRC)

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 500-22-001 with the GRC (also known as Geothermal Rising). This \$4,550 contract provides the CEC with a two-year sustaining membership, which includes up to 20 staff memberships, participation in GRC activities and workshops, access to the GRC's extensive geothermal library, copies of the GRC Bulletin, and opportunities to gain information about geothermal research and activities; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION - California Schools Healthy Air, Plumbing, and Efficiency Program
(20-RENEW-01)**

WHEREAS, Assembly Bill 841 (AB 841, Statutes of 2020, Chapter 372), added, among other statutes, Public Utilities Code (PUC) Section 1600 et seq., which directs the State Energy Resources Conservation and Development Commission (CEC) to develop and implement two programs: a program to award grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance; and another program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances; and

WHEREAS, PUC section 1614 directs the CEC to adopt guidelines to establish the eligibility criteria, reporting requirements, and technical standards for these programs: the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation and Plumbing Programs; and

WHEREAS, the CEC, at its June 9, 2021, business meeting adopted the CalSHAPE Plumbing Program Guidelines, and at its June 25, 2021, business meeting adopted the CalSHAPE Ventilation Program Guidelines (collectively referred to as “The Guidelines”); and

WHEREAS, the CEC, at its August 11, 2021, business meeting adopted revisions to The Guidelines to conform with Assembly Bill 137 (AB 137, Statutes of 2021, Chapter 77), which expanded the definition in Public Utilities Code Section 1601 of Local Education Agencies—the eligible entities to receive funding under CalSHAPE—to include Regional Occupational Centers; and

WHEREAS, the CEC, at its June 8, 2022, business meeting adopted revisions to The Guidelines to expand eligibility, clarify certain acceptable application documents and final invoice requirements, extend the application correction period time, and, for the CalSHAPE Plumbing Program, clarify certain application and payment procedures; and

WHEREAS, staff proposes further revisions to the CalSHAPE Plumbing Program Guidelines to expand eligibility for program awards to include state agencies, in accordance with California Public Utilities Code Section 1631; and

WHEREAS, the CEC publicly noticed these proposed changes to the CalSHAPE Plumbing Program Guidelines at least 15 days before the December 14, 2022, business in accordance with the requirements in the CalSHAPE Plumbing Program Guidelines; and

WHEREAS, the CEC's legal office has considered the application of the California Environmental Quality Act (CEQA) to the CEC's adoption of the proposed revisions to the CalSHAPE Plumbing Program Guidelines and opined that the CEC's adoption of these revisions is exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; and

THEREFORE, BE IT RESOLVED, that the CEC hereby finds the adoption of the proposed revisions to the CalSHAPE Plumbing Program Guidelines to be exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; adopts the proposed revisions to the CalSHAPE Plumbing Program Guidelines; and delegates the authority and directs the CEC staff to take, on behalf of the CEC, all actions reasonably necessary to implement the revisions to the CalSHAPE Plumbing Program Guidelines, including, if necessary, making grammatical or other non-substantive, minor changes to the CalSHAPE Plumbing Program Guidelines as needed.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Taft City School District

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

RESOLVED, that the CEC approves Amendment 1 to Agreement ARV-19-006 with Taft City School District to add \$59,329 to the budget, extend the term of the agreement by 21 months, and add special terms and conditions. The budget augmentation adds \$91,671 for the district to procure a previously awarded electric school bus and is needed because supply chain issues have increased the cost to manufacture electric school buses. A decrease of \$32,342 is funding that is no longer needed for infrastructure; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Cajon Valley Union School District

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

RESOLVED, that the CEC approves Amendment 2 to Agreement ARV-19-032 with Cajon Valley Union School District to add \$100,000 to the budget, extend the term of the agreement by 24 months, and add special terms and conditions. The additional funding is to procure a previously awarded electric school bus and is needed because supply chain issues have increased the cost to manufacture electric school buses; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Lawrence Berkeley National Laboratory

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

RESOLVED, that the CEC approves Amendment 4 to Agreement EPC-16-059 with Lawrence Berkeley National Laboratory for a \$1,000,000 budget augmentation with follow-on funding, a scope of work update, and a three-year term extension. This amendment will support the research and development of a software solution to address cost recovery, participation in demand response, and security challenges faced by military bases and other government workplaces when deploying chargers that will be shared by fleet and personally owned electric vehicles (EV); and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

APPROVING 2022 ENERGY CODE THIRD PARTY RESIDENTIAL,
NONRESIDENTIAL, AND MULTIFAMILY COMPLIANCE SOFTWARE ENERGYPRO
VERSION 9.0

WHEREAS, the Warren-Alquist State Energy Resources Conservation and Development Act, Public Resources Code sections 25000 et seq., 25402.1(b), requires the California Energy Commission (CEC) to, among other things, establish a process for certifying calculation methods for demonstrating compliance with its building energy efficiency standards; and

WHEREAS, as allowed by the *2022 Building Energy Efficiency Standards* (Energy Code), California Code of Regulations, Title 24, Part 1, Chapter 10, sections 10-109(c) and 10-110, an application was submitted to approve EnergyPro 9.0 as an alternative calculation method (ACM); and

WHEREAS, staff of the CEC reviewed and tested EnergyPro 9.0 to ensure it meets the requirements, specifications, and criteria for building energy models set forth in the *2022 ACM Approval Manual*, CEC-400-2022-014-CMF (August 2022).

THEREFORE, BE IT RESOLVED, that the CEC approves EnergyPro 9.0, pursuant to Energy Code section 10-109, for estimating energy consumed by residential, nonresidential, and multifamily buildings as specified in Public Resources Code section 25402.1(a), and for demonstrating compliance with the performance-based residential, nonresidential, and multifamily provisions of the *2022 Energy Code*, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to implement this resolution, including as follows:

- Posting information on the CEC's public website as to how to obtain EnergyPro 9.0;
- Ensuring that EnergyPro 9.0, a residential, nonresidential, and multifamily ACM, is maintained and revised to accurately estimate the energy use of residential, nonresidential, and multifamily buildings; and

- Reviewing and approving updates to vender software, consistent with Section 1 of the *2022 ACM Approval Manual*.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Sunrise Power Project

Docket No.: 98-AFC-04C

**Order Approving Post Certification
Petition to Amend**

I. BACKGROUND

On April 12, 2021, the Sunrise Power Company, LLC (project owner) filed a post certification petition with the California Energy Commission (CEC) requesting to amend the Sunrise Power Project (SPP) Final Commission Decision (Decision).

The facility is a 585-megawatt (MW) natural gas-fired, combined-cycle power plant located at 12857 Sunrise Power Road in Fellows, Kern County. The facility was certified by the CEC on December 6, 2000, as a simple cycle peaking facility and began commercial operation on June 27, 2001. On November 19, 2001, the CEC approved a petition to convert the simple-cycle power plant to a combined-cycle facility that began operation on June 1, 2003.

The project owner seeks approval to replace a section of the gas turbine with improved technology, an improved combustion system, and an upgraded turbine generator control system, as well as the addition of and revisions to Air Quality conditions of certification. The proposed improvements, referred to as the Sunrise Power Improvement Project, would result in improved performance and increased output and efficiency, increasing the plant's output from 585 MW to 635 MW. On November 21, 2022, CEC staff published an analysis of the proposed project change for public comment. No comments on the change have so far been received.

II. 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.) In addition, the facts that supported the original certification of the site as being

compliant with California Code of Regulations title 20 section 1748(b) remain unchanged after the modifications to the site and related facility. And, after review of all evidence described in staff's analysis, the changes do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there have been no substantial changes to the circumstances under which the project was undertaken, and no new information of substantial importance has arisen since the original certification of the site and related facility, and for these reasons, no subsequent EIR shall be prepared pursuant to Public Resources Code section 21166 and California Code of Regulations, title 14, section 15126.

III. ENERGY COMMISSION FINDINGS

Based on the entire record, including staff's analysis, the CEC finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a), of the California Code of Regulations, concerning post-certification project modifications;
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code, section 25525;
- The proposed modifications will not result in any significant impacts to public health and safety, or to the environment;
- None of the criteria in California Code of Regulations, title 20, section 1748(b) applies to this project amendment to prohibit the continued certification of this site and related facility; and

This project change does not meet any of the criteria set forth in Public Resources Code section 21166, or its implementing regulations, California Code of Regulations, title 14, section 15162, that would trigger preparation of a subsequent or supplemental environmental document.

IV. CONCLUSION AND ORDER

The California Energy Commission hereby adopts staff's recommendation, including the revised conditions of certification as published on November 21, 2022, and grants the petition allowing for the replacement of equipment, as described, including amendments to the Air Quality Conditions of Certification, in compliance with all applicable laws, ordinances, regulations, and standards.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Border Project

Docket No.: 01-EP-14C

**Order Approving Post Certification
Petition to Amend**

I. BACKGROUND

The Border Project is a 49.5-MW simple-cycle, natural gas-fired peaking facility that was certified by the California Energy Commission (CEC) on July 11, 2001, and began commercial operation on October 26, 2001. The facility is located on Otay Mesa at 2060 Sanyo Avenue in San Diego, San Diego County.

On August 19, 2022, CalPeak Power Border LLC on behalf of Hermes BESS LLC filed a petition for a post-certification change with the CEC for the Border Project. The project owner is seeking approval to amend the CEC Final Decision for the Border Project to change the project description to include: 1) the interconnection of a battery energy storage system, the Border BESS, at the low side of the existing generator step-up unit/main power transformer and the use of common facilities, and 2) to identify Hermes BESS LLC as the party that will have legal responsibility for the operation of the Border BESS and responsibility for compliance with the CEC conditions of certification and applicable laws, ordinances, regulations, and standards for the Border BESS Project.

The battery system will be located on the existing Border Project site. While the Border natural gas facility and BESS will have separate ownership and obligations under the conditions of certification, the two facilities will share some common infrastructure sufficient for the project to appropriately be subject to a petition for project change under California Code of Regulations, title 20, section 1769. Such integration includes the natural gas peaking plant and BESS sharing the generator step-up transformer, Gen-Tie, and a common point of interconnect with the CAISO controlled/San Diego Gas and Electric (SDG&E) owned transmission system. In addition, the battery system will be controlled by an Energy Management System controller, which will be connected to the existing Power Plant Control system at the Border Project. The proposed BESS project would not increase the output of the existing natural gas plant beyond the CEC licensed capacity and would not exceed the CAISO Aggregate Capability Constraint of 52 MW at the point of interconnection.

II. STAFF RECOMMENDATION

The CEC staff reviewed all project related information and, on November 16, 2022, issued a staff analysis assessing the impacts on the environment from the project and recommended mitigation. The staff analysis concludes that the petition complies with the requirements of California Code of Regulations, title 20, section 1769 (a), the proposed changes would not result in any significant adverse environmental impacts, and would comply with all applicable laws, ordinances, regulations, and standards with adoption of the staff proposed additions and changes to the conditions of certification. No comments on the proposed changes have so far been received.

Further, staff finds that the project change does not meet any of the criteria set forth in Public Resources Code section 21166, or implementing CEQA regulation California Code of Regulations, title 14, section 15162, that would necessitate the preparation of a subsequent or supplemental environmental document. Staff recommends approval of the petition to modify the Border Project and amend related Cultural Resources, Transmission System Engineering and Worker Safety and Fire Protection Conditions of Certification.

III. ENERGY COMMISSION FINDINGS

Based on the entire record, including staff's analysis, the CEC concludes that the proposed modifications will not result in any significant impacts to public health and safety, or to the environment. The CEC finds that:

- The petition meets all the filing criteria of California Code of Regulations, title 20, section 1769(a), concerning post-certification project modifications;
- The Border BESS is sufficiently connected to the existing natural gas facility to appropriately be the subject of a petition for project change.
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code, section 25525;
- The modified project would not have a significant impact on the environment with the addition of conditions of certification applicable to the Border Bess in the areas of Cultural Resources, Transmission System Engineering and Worker Safety and Fire Protection Conditions of Certification;
- Hermes BESS LLC will be responsible for implementing and complying with the conditions of certification and all laws related to the Border BESS project.
- None of the criteria in California Code of Regulations, title 20, section 1748(b) applies to this project amendment; and

This project change does not meet any of the criteria set forth in Public Resources Code section 21166, or its implementing regulations, California Code of Regulations, title 14, section 15162, that would trigger preparation of a subsequent or supplemental environmental document.

IV. CONCLUSION AND ORDER

The California Energy Commission hereby approves CalPeak Power Border LLC on behalf of Hermes BESS LLC Petition for Post-Certification License Amendment filed on August 19, 2022, and adopts staff's proposed additions and changes to the project's conditions of certification as set forth in the staff analysis.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

APPROVING MEMORANDUM OF UNDERSTANDING WITH THE DANISH ENERGY AGENCY REGARDING ENERGY EFFICIENCY AND OFFSHORE WIND DEVELOPMENT

WHEREAS Climate change represents an urgent and potentially irreversible threat to human societies, particularly the poor and vulnerable, as well as to the environment and global economy;

WHEREAS Denmark and California have both committed to fighting climate change. In 2015, Denmark committed to the Paris Climate Accords and California committed to the Under2 Coalition. The Under2 Coalition was formed in 2015 by the states of California and Baden-Wurttemberg, Germany to mobilize and galvanize bold climate action from like-minded city, state, and regional governments around the globe. Coalition members pledge to limit greenhouse gas emissions to two tons per capita or 80 to 95 percent below 1990 levels by 2050. Denmark became an Endorsing Partner to the Under2 Coalition MOU in February 2017;

WHEREAS Denmark has experience and history in developing offshore wind energy facilities and California is assessing a range of considerations for deploying floating wind energy facilities in waters offshore California;

WHEREAS Denmark has robust policies and programs to reduce energy consumption and greenhouse gas emissions from industry and buildings, and California as the fifth largest economy in the world, has significant energy consumption and emissions from the building, industrial, and agricultural sectors;

WHEREAS Denmark has committed to and invested in projects developing hydrogen and carbon capture technologies that may have applications in California to reduce emissions;

WHEREAS California and Denmark currently have Memoranda of Understanding on energy efficiency and the development of offshore wind that are set to expire;

THEREFORE BE IT RESOLVED, that the CEC approves the renewal of a Memorandum of Understanding on energy efficiency and offshore wind with the Danish Energy Agency.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: City of Gonzales

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

RESOLVED, that the CEC approves Agreement ZVI-22-021 with the City of Gonzales for a \$1,052,480 grant to deploy 18 publicly accessible EV chargers consisting of six direct current fast chargers (DC/FC) and 12 Level 2 dual-port chargers distributed across three locations in the City; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: East Bay Community Energy

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

RESOLVED, that the CEC approves Agreement ZVI-22-022 with East Bay Community Energy for a \$2,726,160 grant to install two direct current fast charging hubs in Hayward and San Leandro, where there are dense concentrations of multifamily residents; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: County of Los Angeles

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-22- 005 with the County of Los Angeles for a \$1,575,880 grant to install 32 Level 2 EV charging ports to provide reliable, resilient, and affordable charging to multifamily homes in southern California; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

CLEAN TRANSPORTATION PROGRAM'S 2022-2023 INVESTMENT PLAN UPDATE

WHEREAS, Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007) established the Clean Transportation Program (CTP, formerly the Alternative and Renewable Fuel and Vehicle Technology Program) to be administered by the Energy Commission (CEC), with a goal to “develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies” (Health and Safety Code §44272(a)). The same law also directs the CEC to develop and update an investment plan that will determine priorities and opportunities for the CTP (Health and Safety Code §44272.5); and

WHEREAS, The CEC must prepare and submit an investment plan update to the Legislature (Health and Safety Code §44272.7(b)); and

WHEREAS, Assembly Bill 8 (Perea, Chapter 401, Statutes of 2013) extended the collection of fees supporting the CTP through January 1, 2024; and

WHEREAS, the development of the *2022-2023 Investment Plan Update* has benefitted from two Advisory Committee meetings, as well as 39 comments submitted to public docket; and

WHEREAS, after considering all materials and comments received, Commissioner Monahan, Lead Commissioner for Transportation, released the latest draft of the *2022-2023 Investment Plan Update* on November 29, 2022. The *2022-2023 Investment Plan Update* includes proposed funding allocations for fuels and technologies designed to advance the goals of the CTP; and combines funding and from the General Fund ZEV Package investments from the enacted budgets of 2021 and 2022.

The proposed allocations for *2022-2023 Investment Plan Update* combine both CTP funding of \$142.8 million (\$95.2 for current FY) and the General Fund ZEV Package investments from the enacted budgets of 2021 and 2022, which equals \$2,757.3 million (\$1,091.3 million for current FY).

The additional funds will help close funding gaps in infrastructure deployment, accelerate charging and hydrogen fueling station deployment, and promote in-state ZEV and ZEV-related manufacturing, including infrastructure manufacturing and ZEV component manufacturing such as EV batteries. The investments will help the markets for zero-emission vehicles and infrastructure grow to scale and, more importantly, serve as a foundation for an equitable and sustainable economic recovery by drawing private

investments to California and creating jobs in manufacturing, construction, and engineering. The increased funds will create jobs and invest in ZEV refueling infrastructure for passenger vehicles, big rigs, port equipment, transit, and school buses while supporting more domestic ZEV manufacturing. These investments will allow California to lead the nation and pave the way to a cleaner, more healthy transportation system.

WHEREAS, the CEC staff will develop solicitations, grants, and other types of agreements in the ensuing fiscal years to implement these funding allocations; and

WHEREAS, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *2022-2023 Investment Plan Update*, and concludes that the *2022-2023 Investment Plan Update* is not a “project” for purposes under CEQA because it fits within activities excluded from the definition of “projects” under CEQA, including the “creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment” (14 California Code of Regulations Section 15378(b)(4)). The *2022-2023 Investment Plan Update* proposes funding for categories of activities, but decisions to fund specific projects will be made in the future through competitive solicitations or other selection mechanisms.

THEREFORE, BE IT RESOLVED, the CEC hereby finds the *2022-2023 Investment Plan Update* not to be a project under CEQA, adopts the *2022-2023 Investment Plan Update* with any errata approved at the December 14, 2022 Business Meeting, directs CEC staff to prepare the *2022-2023 Investment Plan Update* incorporating any non-substantive changes such as typographical corrections, to forward the *2022-2023 Investment Plan Update* to the appropriate committees of the Legislature for review pursuant to Health and Safety Code section 44272.7(b), and to make the *2022-2023 Investment Plan Update* available to the public.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

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

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**CERTIFYING CONSOL HOME ENERGY EFFICIENCY RATING SERVICES, INC. AS
A HOME ENERGY RATING SYSTEM PROVIDER AND APPROVING TO OPERATE
A RESIDENTIAL DATA REGISTRY EXCEPT FOR CERTAIN BUILDING TYPES IN
COMPLIANCE WITH THE CALIFORNIA HOME ENERGY RATING SYSTEM
PROGRAM AND THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS**

WHEREAS, ConSol Home Energy Efficiency Rating Services, Inc. (CHEERS) submitted an application on June 22, 2022, requesting certification as a California Home Energy Rating System (HERS) program provider pursuant to California Code of Regulations, Title 20, sections 1670 et seq. (California HERS Program); and

WHEREAS, CHEERS submitted an application on June 22, 2022, requesting approval of its residential data registry pursuant to section 10-109 of the 2022 Building Energy Efficiency Standards (Energy Code) (codified in Title 24, Part 1, of the California Code of Regulations) except for low-rise multifamily compliance documentation; and

WHEREAS, CHEERS submitted an application on June 22, 2022, requesting approval of two External Digital Data Sources (EDDS) to work with its residential data registry pursuant to section 10-109 of the 2022 Energy Code; and

WHEREAS, the executive director evaluated the CHEERS HERS provider application and observed that CHEERS has met the requirements in section 1674 of the California HERS Program except for whole-house ratings and building performance contractors; and

WHEREAS, the executive director anticipates CHEERS will submit a future application that will incorporate whole-house ratings and building performance contractors; and

WHEREAS, the executive director evaluated the CHEERS residential data registry application and observed that that CHEERS has met the requirements in section 10-109 of the 2022 Energy Code except for low-rise multifamily compliance documentation; and

WHEREAS, the executive director anticipates CHEERS will submit a future application that will incorporate low-rise multifamily compliance documentation; and

WHEREAS, the executive director evaluated the two CHEERS EDDS applications and observed that CHEERS has met the requirements in section 10-109 of the 2022 Energy Code; and

WHEREAS, on October 24, 2022, the executive director provided a public notice to interested persons and provided an opportunity for public comment; and

WHEREAS, the executive director provided a written recommendation describing the review and validation of the CHEERS HERS provider and residential data registry applications by CEC staff and recommending approval of the CHEERS applications, attached hereto as “Exhibit A;” and

WHEREAS, the executive director’s written recommendation was made available to CHEERS on November 14, 2022; and

WHEREAS, the December 14, 2022, business meeting was the first available meeting at least 15 business days after the executive director made his recommendation available to CHEERS, for the CEC to consider this matter; and

WHEREAS, the CEC has considered the executive director’s recommendation, all written comments submitted, oral comments made at today’s business meeting, and CEC staff’s responses to all comments on this matter.

THEREFORE, BE IT RESOLVED, that the CEC confirms the executive director’s determinations, adopts their recommendation, and certifies CHEERS as a HERS provider to administer the CHEERS HERS provider program, pursuant to Code of California Regulations, Title 20, section 1674(c), for HERS raters conducting field verification and diagnostic testing, but not for raters conducting whole-house ratings, with this approval effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC confirms the executive director’s determinations, adopts their recommendation, and approves the CHEERS’ residential data registry, pursuant to Code of California Regulations, Title 24, Part 1, sections 10-109 and 10-110, and Joint Appendix JA7, for registering compliance documentation for all building types except low-rise multifamily compliance documentation, with this approval effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC confirms the executive director’s determinations, adopts their recommendation, and approves the EDDS capabilities with The Energy’s Best Online Scheduling System (BOSS) software and Archon Energy Solutions’ Compass software, pursuant to California Code of Regulations, Title 24, Part 1, sections 10-109 and 10-110, and Joint Appendix JA7, with this approval effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably 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 December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

EXHIBIT A

Staff Evaluation – CHEERS, Inc. 2022 HERS Provider and Residential Data Registry Applications

Scope of Approvals

ConSol Home Energy Efficiency Rating Services, Inc. (CHEERS) submitted applications to the California Energy Commission (CEC) requesting certification as a Home Energy Rating System (HERS) provider under the California HERS program (California Code of Regulations Title 20, sections 1670-1675) and approval of a residential data registry with External Digital Data Sources (EDDS) capabilities under section 10-109(b) of the 2022 Building Energy Efficiency Standards (Energy Code).

The HERS provider application includes training and certification of HERS raters for field verification and diagnostic testing (FV&DT) for:

- New construction, additions, and alterations of single-family residential buildings.
- New construction, additions, and alterations of multifamily buildings.
- Nonresidential verification (i.e., nonresidential and hotel/motel occupancies).

The residential data registry application includes:

- Registration of single-family residential compliance documentation.
- Registration of nonresidential compliance documentation.
- EDDS capabilities using The Energy Guy's Best Online Scheduling System (BOSS) software.
- EDDS capabilities using Archon Energy Solutions' Compass software.

Note that the CHEERS HERS provider application does not currently include a compliant whole-house rating system or building performance contractor component. CHEERS is addressing deficiencies identified in these areas and anticipates submitting a supplemental application once the deficiencies are addressed.

Note that the CHEERS residential data registry application does not currently provide support for low-rise multifamily compliance documentation. CHEERS is addressing supporting the documentation and anticipates submitting a supplemental application once the compliance documentation is ready.

CHEERS' certification status as a provider for FV&DT ratings under prior code cycles remains unchanged.

Summary

The Warren-Alquist Act directs the CEC to establish criteria for a statewide HERS program. No home energy rating services may be performed in California unless those services are certified according to the program established by the CEC. The CEC's California HERS program regulations establish requirements for home energy rating systems, for providers (including the providers' training and certification of raters), and

for the CEC's certification of providers. The regulations define a provider as an organization that administers a California HERS program.

The 2022 Energy Code requires FV&DT of specified residential energy efficiency measures to demonstrate compliance with the Energy Code. This testing must be performed by HERS raters who are certified by the CEC-certified HERS providers. Additionally, the 2022 Energy Code describes the approval process as well as functional and technical requirements for a residential data registry.

Staff has reviewed and verified the CHEERS HERS provider and residential data registry applications to confirm that they are complete and comply with the requirements of Title 20, section 1674(a), and section 10-109 of the 2022 Energy Code. In its application, CHEERS states that ratings are accurate, consistent, and uniform, and has stated that it understands and will not knowingly fail to comply with the requirements of these regulations. CHEERS has also certified under penalty of perjury that all statements in the application are true.

The CHEERS application also included a request to approve two EDDS services to work with its residential data registry. In 2022, CHEERS successfully amended its 2019 Energy Code residential data registry approval to incorporate two EDDS services: The Energuy's BOSS software and Archon Energy Solutions' Compass software. These same EDDS services are proposed for inclusion with the CHEERS 2022 Energy Code residential data registry application. Staff reviewed and verified that the EDDS application materials meet the requirements of section 10-109 of the 2022 Energy Code. CHEERS also presented a live demonstration of each EDDS to staff as evidence of compliance with the requirements of Reference Joint Appendix JA7.

CHEERS' current application under the 2022 Energy Code does not affect the CHEERS approvals as a provider for FV&DT ratings under prior code cycles.

The common ownership of CHEERS, Inc., and ConSol, Inc. by the Hodgson family, and the common identities of the officers and directors present opportunities for conflicts of interest that are prohibited by the California HERS program.

CHEERS, Inc. and ConSol, Inc. must agree to the Additional Conditions of Certification at the end of this Recommendation, to ensure the conflicts of interest provisions of the California HERS program regulations are met.

Staff reviewed the confidential and non-confidential information filed in docket number 22-HERS-01 and verified that all the requirements of the Title 20 California HERS program and the 2022 Energy Code are met with exceptions as noted in this staff evaluation. Therefore, staff recommends the CHEERS 2022 HERS application for approval of the HERS provider application for single-family residential, multifamily, and nonresidential, permitted projects. Staff also recommends approval of the residential data registry application for registration of single-family residential and nonresidential compliance documentation. Finally, staff recommends approval of two EDDS services.

This includes approval of The Energuy's BOSS software to process the specific single-family compliance documentation as described in CHEERS Exhibit C and the Archon Energy Solutions' Compass software to process the specific single-family compliance documentation as described in CHEERS Exhibit D.

It is staff's expectation that CHEERS will amend its applications to include a whole-house program, building performance contractor program, low-rise multifamily data registry component, and possibly other features for future approval consideration.

CHEERS Applications Materials

Staff reviewed and verified the CHEERS application materials as they pertain to the requirements in the California HERS Program and the 2022 Energy Code. Table 1 lists the application materials reviewed and approved.

Table 1: CHEERS 2022 Applications Materials

TN #	Document Title
246743	Exhibit A – HERS Provider Application
246743	Exhibit B – Data Registry Application
247320	Exhibit C – Energuy (BOSS) EDDS software application
247320	Exhibit D – Archon (Compass) EDDS software application
243634	Exhibit E – CHEERS Articles of Incorporation and Bylaws
246743	Exhibit F – Quality Assurance Program & QA Team Qualifications
243638	Exhibit G – Rater Agreement
246743	Exhibit H – FVDT Training Overview, Materials, and Exam Questions
246723	Exhibit J – Registered Compliance Documents Examples

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**CERTIFYING CALCERTS, INC. AS A HOME ENERGY RATING SYSTEM PROVIDER
AND APPROVING TO OPERATE A RESIDENTIAL DATA REGISTRY EXCEPT FOR
CERTAIN BUILDING TYPES IN COMPLIANCE WITH THE CALIFORNIA HOME
ENERGY RATING SYSTEM PROGRAM AND THE 2022 BUILDING ENERGY
EFFICIENCY STANDARDS**

WHEREAS, CalCERTS, Inc. (CalCERTS) submitted an application on June 16, 2022, requesting certification as a California Home Energy Rating System (HERS) program provider for raters conducting field verification and diagnostic testing, pursuant to California Code of Regulations, Title 20, sections 1670 et seq. (California HERS Program); and

WHEREAS, CalCERTS is already approved as a HERS program provider for raters conducting whole house ratings; and

WHEREAS, CalCERTS submitted an application on June 16, 2022, requesting approval of its residential data registry pursuant to section 10-109 of the 2022 Building Energy Efficiency Standards (Energy Code) (codified in Title 24, Part 1, of the California Code of Regulations) except for low-rise multifamily compliance documentation; and

WHEREAS, the executive director evaluated the CalCERTS HERS provider application and observed that that CalCERTS has met the requirements in section 1674 of the California HERS Program; and

WHEREAS, the executive director evaluated the CalCERTS residential data registry application and observed that that CalCERTS has met the requirements in section 10-109 of the 2022 Energy Code including registering compliance documentation for all building types except for low-rise multifamily; and

WHEREAS, the executive director anticipates CalCERTS will submit a future application that will incorporate low-rise multifamily compliance documentation; and

WHEREAS, on October 24, 2022, the executive director provided a public notice to interested persons and provided an opportunity for public comment; and

WHEREAS, the executive director provided a written recommendation describing the review and validation of the CalCERTS HERS provider and residential data registry applications by CEC staff and recommending approval of the CalCERTS applications, attached hereto as "Exhibit A;" and

WHEREAS, the executive director's written recommendation was made available to CalCERTS on November 14, 2022; and

WHEREAS, the December 14, 2022, business meeting was the first available meeting at least 15 business days after the executive director made his recommendation available to CalCERTS, for the CEC to consider this matter; and

WHEREAS, the CEC has considered the executive director's recommendation, all written comments submitted, oral comments made at today's business meeting, and CEC staff's responses to all comments on this matter.

THEREFORE, BE IT RESOLVED, that the CEC confirms the executive director's determinations, adopts their recommendation, and certifies CalCERTS as a HERS provider to administer the CalCERTS HERS provider program, pursuant to Code of California Regulations, Title 20, section 1674(c), for raters conducting field verification and diagnostic testing, effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC confirms the executive director's determinations, adopts their recommendation, and approves the CalCERTS' residential data registry, pursuant to Code of California Regulations, Title 24, Part 1, sections 10-109 and 10-110, and Joint Appendix JA7, for registering compliance documentation for all building types except low-rise multifamily compliance documentation, with this approval effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably 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 December 14, 2022.

AYE: Hochschild, Gunda, McAllister, Monahan, Vaccaro

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: December 19, 2022

SIGNED BY:

Liza Lopez
Secretariat

EXHIBIT A

Staff Evaluation – CalCERTS, Inc. 2022 HERS Provider and Residential Data Registry Applications

Scope of Approvals

CalCERTS, Inc. (CalCERTS) submitted applications to the California Energy Commission (CEC) requesting certification as a Home Energy Rating System (HERS) provider under the California HERS program (California Code of Regulations, title 20, sections 1670-1675) and approval of a residential data registry under section 10-109(b) of the 2022 Building Energy Efficiency Standards (Energy Code).

The HERS provider application includes training and certification of raters for field verification and diagnostic testing (FV&DT) for the following elements:

- New construction, additions, and alterations of single-family residential buildings
- New construction, additions, and alterations of multifamily buildings
- Nonresidential verification (i.e., nonresidential and hotel/motel occupancies)

The residential data registry application includes the following elements:

- Registration of single-family residential compliance documentation
- Registration of nonresidential compliance documentation

The residential data registry application does not provide support for low-rise multifamily compliance documentation. Staff understands that CalCERTS is working to resolve this issue and anticipates that CalCERTS will submit a supplemental application.

CalCERTS' certification status as a provider for Whole-House ratings and Building Performance Contractors as defined by Title 20, section 1670 et seq., remains unchanged. CalCERTS' certification status as a provider for FV&DT ratings under prior code cycles also remains unchanged.

Summary

The Warren-Alquist Act directs the CEC to establish criteria for a statewide HERS program. No home energy rating services may be performed in California unless those services are certified according to the program established by the CEC. The CEC's California HERS program regulations establish requirements for home energy rating systems for providers (including the providers' training and certification of raters) and for the CEC's certification of providers. The regulations define a provider as an organization that administers a California HERS program.

The 2022 Energy Code requires FV&DT of specified residential energy-efficiency measures to demonstrate compliance with the Energy Code. This testing must be performed by raters who are certified by CEC-certified HERS providers. Additionally, the 2022 Energy Code describes the approval process as well as functional and technical requirements for a residential data registry.

Staff has reviewed and verified the CalCERTS HERS provider and residential data registry applications to confirm that they are complete and comply with the requirements of Title 20, section 1674(a), and section 10-109 of the 2022 Energy Code. In its application, CalCERTS states that ratings are accurate, consistent, and uniform, and has stated that it understands and will not knowingly fail to comply with the requirements of these regulations. CalCERTS has also certified under penalty of perjury that all statements in the application are true.

CalCERTS' current application under the 2022 Energy Code does not affect CalCERTS as a provider for Whole-House Ratings and Building Performance Contractors for which they were previously approved. CalCERTS' current application under the 2022 Energy Code does not affect the CalCERTS approvals as a provider for FV&DT ratings under prior code cycles.

Staff reviewed the confidential and non-confidential information filed in docket number 22-HERS-01 and verified that all the requirements of the Title 20 California HERS program and the 2022 Energy Code are met with exceptions as noted in this staff evaluation. Therefore, staff recommends approval of the CalCERTS 2022 HERS provider application for single-family residential, multifamily, and nonresidential permitted projects. Staff also recommends approval of the residential data registry application for registration of single-family residential and nonresidential compliance documentation. It is staff's expectation that CalCERTS will amend its applications to include a low-rise multifamily data registry component and possibly other features for future approval consideration.

CalCERTS Applications Materials

Staff reviewed and verified the CalCERTS application materials as they pertain to the requirements in the California HERS Program and the 2022 Energy Code. Table 1 lists the application materials reviewed and approved.

Table 1: CalCERTS 2022 Applications Materials

TN #	Document Title
243561	Exhibit A - Cover Letter for HERS Provider & Data Registry Applications
243562	Exhibit B - Training Overview
246739	CalCERTS - Exhibit C1a - Residential Alterations HERS Manual
246739	CalCERTS - Exhibit C1b - Residential Alterations Fundamentals Training Slides - Chapters 1-6
246739	CalCERTS - Exhibit C1b - Residential Alterations Fundamentals Training Slides - Chapters 7-12
246739	CalCERTS - Exhibit C2a - Residential New Construction HERS Manual
246739	Exhibit C2b - Residential Newly Constructed Buildings Training Slides Chapter 1-4
246739	Exhibit C2b - Residential Newly Constructed Buildings Training Slides Chapter 5-9
246739	Exhibit C3a - Nonresidential HERS Manual

TN #	Document Title
246739	Exhibit C3b - Nonresidential HERS Training Slides
246739	Exhibit C4 - 2022 Update Training
243799	Exhibit D - Training Exams
243800	Exhibit E - Field House Exam
243801	Exhibit F - Challenge Exam
243563	Exhibit G - Rater Agreement
243564	Exhibit H - Subscriber Agreement
246427	Exhibit I - Quality Assurance Program
246427	Exhibit I2 - Supplemental Quality Assurance Documents
247311	Exhibit J - Quality Assurance Qualifications
243567	Exhibit K - Certification of Facts
243557	Exhibit L - Corporate Documents
243568	Exhibit M - Statement of Explanation §1674
246236	Exhibit N - Registry User's Manual
247078	Exhibit O - Registry Certification and Overview
246370	Exhibit P - Registry Testing
245968	Exhibit P1 - Registry Testing - Alterations - Part I
245963	Exhibit P1 - Registry Testing - Alterations - Part II
245962	Exhibit P1 - Registry Testing - Alterations - Part III
246238	Exhibit P2 - Registry Testing - New Construction
246370	Exhibit P3 - Registry Testing - Nonresidential
243558	Exhibit Q - Rater Registry
245879	Exhibit R - Application Checklist
243559	Exhibit S - Rater Code of Ethics
246145	Exhibit T - Response to Application Feedback