

DOCKETED

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California Energy Commission

Business Meeting Agenda

January 25, 2023
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)

Remote 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. 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. Agency Announcements.

The Chair may announce relevant matters to the public and the CEC, including agency updates, events, and other opportunities. Discussion may follow.

2. 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. New Energy and Industrial Technology Development Organization (NEDO), Japan. Proposed resolution approving a Letter of Intent between the CEC and NEDO that establishes CEC support for a load flexibility project between Panasonic, the Sacramento Municipal Utility District, and the University of California, Davis. Contact: Fritz Foo
- b. Local Ordinances for the City of Piedmont and the City of Encinitas. Proposed resolutions approving applications from local jurisdictions for findings under Public Resources Code (PRC) section 25402.1(h)(2). Contact: Danuta Drozdowicz
 - i. City of Piedmont. The local ordinance requires that alterations and additions to existing single-family buildings with a project value of \$30,000 or more include one or more listed energy efficiency measures, subject to exceptions. Alterations or additions to single-family buildings with a project value of \$115,000 or more are required to include two energy efficiency measures from the list, subject to exceptions.
 - ii. City of Encinitas. The local ordinance requires efficiency measures applicable to certain building types, including requirements related to floor, window, and attic insulation, duct leakage, and requirements for a photovoltaic system on additions to certain existing nonresidential, hotel/motel, high-rise residential, and mixed-use buildings, subject to exceptions.
- c. The Regents of the University of California, on behalf of the Energy Institute at Haas School of Business. Proposed resolution approving Agreement 800-22-003 for an \$18,000 contract to co-sponsor the 2023 POWER Conference on Energy Research and Policy scheduled in Berkeley on March 24, 2023, and adopting staff's determination that this action is exempt from the California Environmental Quality Act (CEQA). The 2023 POWER Conference will focus on electricity markets and policy. (ERPA Funding) Contact: Lynn Marshall
- d. Aspen Environmental Group. Proposed resolution approving Amendment 1 to Contract 700-22-004 to add \$1,000,000. This contract provides professional engineering and environmental services to support the state's environmental, conservation, engineering, infrastructure, economic, and land use planning activities in terrestrial, coastal, and marine environments. These planning activities are intended to guide responsible energy and infrastructure development to help California meet its energy and greenhouse gas reduction goals. (ERPA Funding) Contact: Sharon Purewal
- e. Baldwin Park Unified School District. Proposed resolution approving Amendment 2 to Agreement ARV-19-017 to add \$108,816 to the budget, extend the term of the agreement by 28 months, add special terms and conditions, and adopting staff's determination that this action is exempt from CEQA. The additional funding will help purchase two previously awarded electric school buses and is needed because supply chain issues have increased manufacturing costs. (CTP Funding) Contact: Kay Williams

- f. Whittier Union High School District. Proposed resolution approving Amendment 2 to Agreement ARV-19-026 to add \$137,354 to the budget, extend the term of the agreement by 24 months, add special terms and conditions, and adopting staff's determination that this action is exempt from CEQA. The additional funding will help purchase previously awarded electric school buses and is needed because supply chain issues have increased manufacturing costs. (CTP Funding)
Contact: Diana Friedrich
- g. Gladstein, Neandross and Associates. Proposed resolution to approve a \$4,950 purchase order to co-sponsor the Advanced Clean Transportation Expo 2023 scheduled for May 1-4, 2023, in Anaheim. (CTP Funding) Contact: ~~Christina Gordero~~ Spencer Kelley
- h. Order Instituting Rulemaking (OIR) Proceeding (22-EVI-04). Proposed OIR to develop and consider adopting additions to title 20 of the CCR that would establish uptime recordkeeping and reporting standards for certain electric vehicle (EV) charging stations. The CEC may also develop and consider adopting requirements to increase EV charging station uptime through this proceeding, which is consistent with Assembly Bill (AB) 2061 (Ting, ch. 345, stats. 2022). Contact: Taylor Marvin
- i. Reliable, Equitable, and Accessible Charging for Multifamily Housing – GFO-21-603. This solicitation sought proposals to demonstrate replicable and scalable business and technology models for large-scale deployment of EV charging infrastructure capable of maximizing access and EV travel for multi-family housing residents. (General Fund Funding) Contact: Marc Arenas
 - i. Bay Area Air Quality Management District (BAAQMD). Proposed resolution approving Agreement ZVI-22-024 for a \$2,994,574 grant to design, build, and operate EV charging devices, and adopting staff's determination that this action is exempt from CEQA. The project will leverage BAAQMD and Marin Clean Energy incentives to minimize costs for property owners to install and operate Level 1, Level 2, and direct current fast charging (DCFC) with solar power that supports affordable multifamily residential buildings in disadvantaged and low-income communities.
- j. Clean Transportation Program Rural EV Charging – GFO-21-604. This solicitation sought proposals to demonstrate replicable and scalable business and technology models that can deploy EV charging stations to serve rural EV drivers, especially those from low-income or disadvantaged communities. (CTP and General Fund Funding) Contact: Tiffany Hoang
 - i. FreeWire Technologies, Inc. Proposed resolution approving Agreement ZVI-22-025 for a \$921,940 grant to install EV charging infrastructure to support rural communities, and adopting staff's determination that this action is exempt from CEQA. The proposed project will include the installation of five DCFCs and five Level 2 chargers across five sites within Monterey and Riverside counties.

- ii. Ventura Energy LLC. Proposed resolution approving Agreement ZVI-22-026 for a \$775,144 grant to install four DCFC ports, six Level 2 charger ports, and two energy storage systems between two charging sites with the city of Santa Paula, and adopting staff's determination that this action is exempt from CEQA.
- iii. ChargePoint, Inc. Proposed resolution approving Agreement ARV-22-006 for a \$1,487,747 grant to install a DCFC "hub" capable of charging four vehicles simultaneously at 150kW each, one dual-port Level 2 charger, and two "spoke" stations with two DCFCs (125kW) and eight dual-port Level 2 chargers, and adopting staff's determination that this action is exempt from CEQA. Stations will be constructed along critical rural travel corridors to enable long-distance EV trips and the installation of Level 2 stations at population centers to attract rural drivers.
- iv. ChargePoint, Inc. Proposed resolution approving Agreement ARV-22-007 for a \$1,537,296 grant to install a DCFC "hub" capable of charging four vehicles simultaneously at 150kW each, one dual-port Level 2 charger, and four "spoke" stations with 20 dual-port Level 2 chargers, and adopting staff's determination that this action is exempt from CEQA. Stations will be constructed along critical rural travel corridors to enable long-distance EV trips and the installation of Level 2 stations at population centers to attract rural drivers.
- ~~k. Petition to Request a Rulemaking Hearing. Consideration and possible approval of an order granting a petition that requests the CEC initiate a rulemaking hearing under CCR, title 20, section 1221. The petition was filed by Western States Petroleum Association (WSPA) on January 6, 2023, and certified as complete by the executive director on January 13, 2023. WSPA is requesting a rulemaking for the California Oil Refinery Cost Disclosure Act, Senate Bill 1322 (Allen, ch. 374, stats. 2022). Contact: Ryan Eggers [This item has been moved to discussion and will be heard after agenda item 16]~~
- l. BioVind, LLC. Proposed resolution approving Agreement PIR-22-004 with BioVind, LLC for a \$999,970 grant to develop a test kit and field-testing guide for detecting microbial species associated with microbiologically influenced corrosion (MIC) in gas pipelines and storage facilities, and adopting staff's determination that this action is exempt from CEQA. The innovative test kit will help lower the risk of MIC-related leakages and reduce costs associated with MIC detection, mitigation, and control. (Gas R&D Funding) Contact: Jeffrey Sunquist
- m. TechFlow, Inc. Proposed resolution approving Agreement ZVI-22-028 with TechFlow, Inc. for a \$413,928 grant to deploy five Level 2 and one DCFC EV charging systems, and adopting staff's determination that this action is exempt from CEQA. This agreement will jointly fund EV charger infrastructure installations at Naval Base San Diego under federal contract HQ08452290065, amended by modification P0001. The U.S. Department of the Navy funded \$750,000 of the project cost. (General Fund Funding) Contact: Wendell Krell

3. Information Item - Blue Ribbon Commission on Lithium Extraction in California (Lithium Valley Commission): Overview of Report to the Legislature.

Staff will provide an overview of the Lithium Valley Commission's (LVC) report submitted to the Legislature on December 1, 2022. Assembly Bill 1657 (E. Garcia, ch. 271, stats. 2020) required the CEC to establish and convene the Lithium Valley Commission. The LVC, which has 14 members, was tasked with the review, investigation, and analysis of topics related to lithium recovery from geothermal brine in California. The LVC is required to submit a report to the Legislature documenting its findings and recommendations. The LVC held more than 23 public meetings over nearly two years, engaging with and learning from representatives of industry, academia, community-based organizations, environmental organizations, and public agencies, as well as members of communities and California Native American Tribes in and around Imperial and Riverside Counties. On November 17, 2022, the LVC finalized the report and adopted 15 recommendations. Contact: Silvia Palma-Rojas (Staff Presentation: 10 minutes)

4. Information Item on the 2022 Joint Agency Staff Report on AB 8 - Hydrogen Refueling Stations.

Staff overview of the "Joint Agency Staff Report on AB 8: 2022 Annual Assessment of Time and Cost Needed to Attain 100 Hydrogen Refueling Stations in California," published in December 2022. CEC and California Air Resources Board staff prepare this annual report in accordance with AB 8 (Perea, ch. 401, stats. 2013), summarizing progress in the deployment of publicly available hydrogen refueling stations in California. The CEC Clean Transportation Program administers grant funding for station development toward the 100-station goal as well as the 200-station goal of Executive Order No. B-48-18. Contact: Jane Berner (Staff Presentation: 10 minutes)

5. Information Item on Zero-Emission Vehicle Infrastructure Plan (ZIP).

Staff overview of the ZIP, which describes near and long-term actions and strategies to ensure that zero-emission vehicle (ZEV) infrastructure deployment meets the needs of the growing ZEV market. ZIP is a statewide plan, developed with several state agencies and public stakeholder input, that will support decision-making by the public and private sectors. Contact: Thanh Lopez (Staff Presentation: 10 minutes)

6. California Energy Demand 2022-2035 Forecast of Electricity Consumption.

Proposed resolution adopting the *California Energy Demand 2022-2035 Forecast of Electricity Consumption*, as well as Hourly and Peak Electricity Demand for California and for Certain Utility Planning Areas within California. The forecast includes estimates of achievable energy efficiency, fuel substitution, and transportation electrification to provide managed forecast scenarios. The adopted forecast will be used in planning processes, including the California Independent System Operator's transmission planning and the California Public Utilities Commission's (CPUC) integrated resource and distribution planning. Contact: Nick Fugate (Staff Presentation: 10 minutes)

7. Lafayette Backup Generating Facility (20-SPPE-02).

Consideration and possible approval of an order granting the December 12, 2022, motion filed by project applicant Digital Realty Inc. Digital seeks to dissolve the committee assigned to the Lafayette proceeding because it is not needed under small power plant exemption (SPPE) regulations that took effect December 14, 2022, and eliminated the adjudicatory process for SPPE proceedings. The CEC may consider vacating orders and rulings of the committee, such as the general orders, scheduling orders, and the ruling granting intervenor status to Robert Sarvey. Regardless of whether the motion is granted, the CEC will remain the lead agency for the project under the Warren-Alquist Act and CEQA, prepare the appropriate environmental document, and consider granting an SPPE for the project. Contact: Deborah Dyer (Staff Presentation: 5 minutes)

8. STACK Backup Generating Facility (21-SPPE-02).

Consideration and possible approval of an order granting the December 12, 2022, motion filed by project applicant STACK Infrastructure. STACK seeks to dissolve the committee assigned to the STACK proceeding because it is no longer needed under SPPE regulations that took effect on December 14, 2022, and eliminated the adjudicatory process for SPPE proceedings. The CEC may consider vacating orders and rulings of the committee, such as the general orders and scheduling orders. Regardless of whether the motion is granted, the CEC will remain the lead agency for the project under the Warren-Alquist Act and the CEQA, prepare the appropriate environmental document, and consider granting an SPPE for the project. Contact: Ralph Lee (Staff Presentation: 5 minutes)

9. Amendments to Appliance Efficiency Regulations for Air Filters (20-AAER-02).

Proposed resolution adopting amendments to parts of CCR, title 20, sections 1601 through 1607, relating to testing and marking air filters, and adopting staff's determination that this action is exempt from CEQA. These amendments would revise requirements applicable to manufacturers of air filters intended for residential ducted systems, updating the testing and marking requirements for such products to ensure consumers have sufficient and accurate performance information when making purchasing decisions. Contact: Alejandro Galdamez (Staff Presentation: 10 minutes)

10. Qualifying Capacity of Supply-Side Demand Response Working Group Final Report (21-DR-01).

Proposed resolution adopting the *Qualifying Capacity of Supply-Side Demand Response Working Group Final Report*. This report provides final findings and recommendations to the CPUC, which the CPUC requested in 2021 in Decision (D.) 21-06-029 and in 2022 in D.22-06-050. Contact: Erik Lyon (Staff Presentation: 10 minutes)

11. Renewables Portfolio Standard Retail Sellers Procurement Verification Results Report.

Proposed resolution adopting the *Renewables Portfolio Standard 2017–2020 Retail Sellers Procurement Verification Report*. This report applies to retail sellers, including investor-owned utilities, small and multijurisdictional utilities, electric service providers, and community choice aggregators reporting claims for Compliance Period 3 (2017-2020). The report provides verified results of claims submitted by retail sellers for Compliance Period 3. If adopted, the CEC will transmit the report to the CPUC to use in compliance determinations for retail sellers. Contact: Kevin Chou (Staff Presentation: 10 minutes)

12. California Electric Homes Program (CalEHP) - GFO-21-403.

This solicitation sought proposals for a third-party program administrator to design and implement an incentive program and provide technical assistance to potential and current program applicants. The third-party administrator selected to receive the grant funds will distribute incentives for all-electric buildings and energy storage systems in new residential market-rate construction in California. (General Fund Funding) Contact: Richard Gibbs (Staff Presentation: 5 minutes)

- i. TRC Engineers, Inc. Proposed resolution approving Agreement EHP-22-001 to help design and implement a residential all-electric and energy storage construction incentive program in California and provide technical assistance, and adopting staff's determination that this action is exempt from CEQA. Funding for this agreement is up to \$68,124,971, including up to \$58,125,000 to be distributed as incentives and up to \$9,999,971 for administrative costs.

13. California Clean Energy Fund DBA CalCEF Ventures.

Proposed resolution approving two grant applications totaling \$900,000 from the Electric Program Investment Charge (EPIC) program's California Sustainable Energy Entrepreneur Development (CalSEED) Initiative 2022 Prototype Award Competition, and adopting staff's determination that this action is exempt from CEQA. These Prototype Awards were selected competitively via a business plan competition where CalSEED entrepreneurs that previously received a \$150,000 "Concept Award" were evaluated on the technical and commercial potential of their technology. The follow-on awards are for a maximum of \$450,000 each. (EPIC Funding) Contact: Justin Scaccianoce (Staff Presentation: 5 minutes)

- i. CalSEED Initiative (22-02). Planet A Energy, Inc., concentrating solar thermal collector with built-in storage, Brad Hines, \$450,000. This project advances innovative and long-duration storage technology that concentrates solar energy and uses patented optical "light pipes" to transfer heat to a bed of black sand. By combining collection and storage into one system, this technology could reduce system complexity and the cost of long-duration storage and offer months of stored energy at a 30 percent higher efficiency than molten salt and a third of the cost of incumbent technologies.

- ii. CalSEED Initiative (22-02). Sonocharge LLC, acoustic wave induced electrolyte motion to overcome diffusion-limited charge performances and safety in lithium batteries, An Huang, \$450,000. This project will continue the development of a novel, mechanical wave-driven acoustic device that would significantly improve the charging performance, capacity, longevity, and safety of lithium metal batteries. The Li-ion concentration gradient and slow Li-ion diffusion in the electrolyte of a battery inhibits the development of a fast-charging battery. Generating acoustic streaming with a surface acoustic wave device reduces the thickness of the depletion layer and generates homogeneous mixing across the battery, preventing dendrites, adverse heating, and electrolyte breakdown.

14. Department of Energy (DOE) Lawrence Berkeley National Laboratory (LBNL).

Proposed resolution approving Agreement 600-22-004 with DOE LBNL for a \$1,500,000 contract to develop six EV charger infrastructure blueprints at California military bases to accelerate the transition to EVs, and adopting staff's determination that this action is exempt from CEQA. (General Fund Funding) Contact: Wendell Krell (Staff Presentation: 5 minutes)

15. Renewable Hydrogen Transportation Fuel Production - GFO-20-609.

This solicitation sought proposals to design, engineer, construct, install, test, operate, and maintain a hydrogen facility in California that will produce 100 percent renewable hydrogen from in-state renewable resources. When constructed and operational, the facility will be a source of 100 percent renewable hydrogen that will be utilized for transportation fuel. Projects will produce hydrogen that will meet California regulations when dispensed at the station for use in on-road light- and medium/heavy-duty fuel cell EVs. (CTP Funding) Contact: Andrew Hom (Staff Presentation: 5 minutes)

- a. StratosFuel, Inc. Proposed resolution adopting CEQA findings for StratosFuel, Inc.'s Zero-Impact Production Facility Phase 2 Expansion project and approving grant Agreement ARV-22-004.
 - i. CEQA Findings. Based on the city of Victorville's Mitigated Negative Declaration (MND), Mitigation Monitoring Program, Initial Study, and Victorville Planning Commission Resolutions P-21-010, P-21-037, and P-21-038 approving the MND, site plan and Conditional Use Permit, the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered.
 - ii. Proposed resolution approving Agreement ARV-22-004 for a \$3,000,000 grant to expand StratosFuel's renewable hydrogen production facility to add 5,000 kg of fuel a day at the Southern California Logistical Airport facility utilizing electrolysis from renewable electricity.

16. Zero Emission Transportation Manufacturing – GFO-21-605.

This solicitation sought proposals for projects that will increase in-state manufacturing of ZEVs, ZEV components and batteries, and ZEV charging or

refueling equipment. (General Fund Funding) Contact: Jonathan Bobadilla (Staff Presentation: 10 minutes)

- a. Zimeno Inc. DBA Monarch Tractor. Proposed resolution approving Agreement ZVI-22-019 for a \$13,060,660 grant to establish a flexible manufacturing line at Monarch's Livermore headquarters that can produce a range of equipment models for Zero Emission Monarch Tractor MK-V variants to supply off-road markets, and adopting staff's determination that this action is exempt from CEQA. This project will abate 13,100 metric tons (MTs) of CO₂e and 105 MTs of NO_x through product deployments per year at full capacity and will create more than 50 jobs.
- b. American Lithium Energy Corp. (ALE). Proposed resolution approving Agreement ZVI-22-020 with ALE for a \$10,220,285 grant, and adopting staff's determination that this action is exempt from CEQA. This project will expand battery manufacturing capacity at ALE's facility by setting up a fully automated battery cell assembly line capable of producing 1,500,000 high-performance EV battery cells per year.
- c. Wiggins Lift Co., Inc. Proposed resolution approving Agreement ZVI-22-023 for a \$8,114,664 grant, and adopting staff's determination that this action is exempt from CEQA. This project will modernize and expand Wiggins' current facility to increase the manufacturing output of zero-emission forklifts and other product lines.
- d. ChargePoint, Inc. Proposed resolution approving Agreement ZVI-22-027 for a \$14,638,915 grant to build and scale manufacturing operations for Level 2 charging stations and DCFC equipment in Milpitas and Campbell, and adopting staff's determination that this action is exempt from CEQA. The project will create a new manufacturing line for Level 2 EV chargers that will achieve an annual production capacity of 10,000 chargers and expand the manufacturing capacity for DCFC to an annual production of 10,000 dispensers.

17. Petition to Request a Rulemaking Hearing.

Consideration and possible approval of an order granting a petition that requests the CEC initiate a rulemaking hearing under CCR, title 20, section 1221. The petition was filed by Western States Petroleum Association (WSPA) on January 6, 2023, and certified as complete by the executive director on January 13, 2023. WSPA is requesting a rulemaking for the California Oil Refinery Cost Disclosure Act, Senate Bill 1322 (Allen, ch. 374, stats. 2022). Contact: Ryan Eggers (Staff Presentation: 5 minutes)

18. Minutes.

Possible approval of the December 14, 2022, Business Meeting minutes.

19. 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.

20. Executive Director's Report.

21. Public Advisor's Report.

22. Public Comment.

Pursuant to 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.

23. 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).*

In-Person Instructions

Visitors of the CNRA building attending the business meeting held in the first-floor auditorium should proceed directly to the auditorium and do not need to sign in at the lobby security desk. Please note that visitors are solely permitted in the auditorium, restrooms, and cafeteria without a visitor badge or staff escort. Masks and social distancing are encouraged but not required.

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Public comment periods will be available throughout the business meeting and are 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, 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 to and make a public comment. Call the CEC's Verizon line at (888) 823-5065 and enter the passcode: business meeting. To comment publicly about a specific item, please provide the operator your name, affiliation if any, and the item number you wish to comment on. 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. If you need assistance during the call, press *0 for help or to speak with the operator.

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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)