

DOCKETED

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Project Title:	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
TN #:	248826
Document Title:	Orders and Resolutions of the February 15, 2023 Business Meeting
Description:	N/A
Filer:	Liza Lopez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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Docketed Date:	2/16/2023

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Pajaro Valley Unified 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 3 to Agreement ARV-19-011 with Pajaro Valley Unified School District to add \$302,276 to the budget, extend the agreement by nine months, and update special terms and conditions. These changes are needed to procure previously awarded electric school buses because of supply chain issues and increased manufacturing costs; 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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Escalon Unified 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-19-046 with Escalon Unified School District to add \$200,000 to the budget, extend the agreement by 24 months, and add special terms and conditions. These changes are needed to procure previously awarded electric school buses because of supply chain issues and increased manufacturing costs; and

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

CERTIFICATION

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Chawanakee Unified 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 3 to Agreement ARV-19-044 with Chawanakee Unified School District to add \$195,439 to the budget, extend the agreement by 24 months, and add special terms and conditions. These changes are needed to procure previously awarded electric school buses because of supply chain issues and increased manufacturing costs; 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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Hanford Joint Union High 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-19-049 with Hanford Joint Union High School District to add \$100,000 to the budget, extend the agreement by 24 months, and add special terms and conditions. These changes are needed to procure a previously awarded electric school bus because of supply chain issues and increased manufacturing costs; and

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

CERTIFICATION

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: International Council on Clean Transportation Inc.

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

RESOLVED, that the CEC approves Agreement 600-22-005 with International Council on Clean Transportation Inc. for a \$15,000 one-year membership in the International Zero-Emission Vehicle (ZEV) Alliance. The ZEV Alliance is an association formed by national and subnational jurisdictions to accelerate the adoption of ZEVs. As a member, the CEC will have the opportunity to participate in ZEV Alliance coordination meetings; 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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister

NAY: NONE

ABSENT: Monahan

ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Redwood Coast Energy Authority

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-22-008 with Redwood Coast Energy Authority for a \$700,000 grant to install 32 public Level 2 charging ports at 10 rural community service centers in Humboldt County; 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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: EV Charging Solutions, Inc.

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

RESOLVED, that the CEC approves Agreement ZVI-22-030 with EV Charging Solutions, Inc. for a \$1,252,800 grant to install 20 50kW direct current fast chargers (DCFC) and six Level 2 chargers at five rural locations in Northern 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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: EV Charging Solutions, Inc.

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

RESOLVED, that the CEC approves Agreement ZVI-22-031 with EV Charging Solutions, Inc. for a \$668,800 grant to install 10 DCFC and three Level 2 chargers at two rural locations in Central 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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ChargePoint, Inc.

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

RESOLVED, that the CEC approves Agreement ZVI-22-011 with ChargePoint, Inc. for a \$2,000,000 grant to design, build, and operate light-duty EV charging hubs at four project sites in the San Francisco Bay Area, with discounted charging for ride-hailing drivers; 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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan
NAY: NONE
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Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ChargePoint, Inc.

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

RESOLVED, that the CEC approves Agreement ZVI-22-012 with ChargePoint, Inc. for a \$2,000,000 grant to design, build, and operate four light-duty EV charging hubs at Long Beach Airport, Dignity Health Sports Park, Ontario International Airport, and Kimball Park. The sites are intended to be used by transportation network company drivers transiting between Los Angeles and Orange County; and

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

CERTIFICATION

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION OF THE CALIFORNIA ENERGY COMMISSION TO APPROVE THE
CONSOL HOME ENERGY EFFICIENCY RATING SERVICES, INC. BUSINESS NAME
CHANGE AMENDMENT TO ITS EXISTING HOME ENERGY RATING SYSTEM
PROVIDER CERTIFICATIONS AND RESIDENTIAL DATA REGISTRY APPROVALS

WHEREAS, ConSol Home Energy Efficiency Rating Services, Inc. (CHEERS) submitted an application on December 14, 2022, requesting approval to change its business name to California Home Energy Efficiency Rating Services pursuant to California Code of Regulations, Title 20, sections 1670 et seq. (California Home Energy Rating System (HERS) Program); and

WHEREAS, CHEERS submitted an application on December 14, 2022, requesting approval to change its business name to California Home Energy Efficiency Rating Services pursuant to section 10-109 of the 2022 Building Energy Efficiency Standards (Energy Code) (codified in California Code of Regulations), Title 24, Part 1); and

WHEREAS, the executive director evaluated the CHEERS HERS provider application and observed that CHEERS has met the requirements in California Code of Regulations, Title 20, section 1674 for this business name change request; 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 for this business name change request; and

WHEREAS, on January 18, 2023, 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 California Energy Commission (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 January 24, 2023; and

WHEREAS, the February 15, 2023, 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 responses to all comments on this matter.

THEREFORE, BE IT RESOLVED, that the CEC confirms the executive director's determinations, adopts the recommendation, and approves CHEERS' request to change its business name for the CHEERS HERS provider program, pursuant to Code of California Regulations, Title 20, section 1674(c), with this approval effective for permits filed under the 2022, 2019, 2016, and 2013 Energy Codes; and

FURTHER BE IT RESOLVED, that the CEC confirms the executive director's determinations, adopts their recommendation, and approves CHEERS' request to change its business name for its residential data registry, pursuant to Code of California 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, 2019, 2016, and 2013 Energy Codes; and

FURTHER BE IT RESOLVED, that the executive director or their designee shall take all steps necessary to implement this resolution, including updating the CHEERS provider certification and data registry approval once CHEERS demonstrates it has successfully changed its business name.

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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***Blue Ribbon Commission on Lithium
Extraction in California***

Docket No.: 20-LITHIUM-01

**Order Dissolving the Blue Ribbon
Commission on Lithium Extraction in
California**

I. BACKGROUND

On January 1, 2021, Assembly Bill 1657 (AB 1657, E. Garcia, Chapter 271, Statutes of 2020) took effect and required the California Energy Commission (CEC) to establish a Blue Ribbon Commission on Lithium Extraction in California (Commission), also commonly referred to as the Lithium Valley Commission. AB 1657 directed the Commission to review, investigate, and analyze certain issues and potential incentives regarding lithium extraction and use in California, and required the Commission to submit a report to the Legislature documenting its findings and recommendations.

Commission members were appointed pursuant to AB 1657 to fill specific membership roles representing a variety of interests, including industry, community organizations, tribal communities, environmental organizations, and state and local agencies. Of the 14 Commission members, the CEC was responsible for the appointment of nine members, with the remaining appointments made by the California Public Utilities Commission, the Secretary of the California Natural Resources Agency, the Senate Committee on Rules, the Speaker of the Assembly, and the Governor.

The following members were appointed to the Commission:

- Silvia Paz, Alianza Coachella Valley, and Commission Chair
- Ryan Kelley, County of Imperial Board of Supervisors, and Commission Vice Chair
- Steve Castaneda, South Bay Irrigation District
- Rod Colwell, Controlled Thermal Resources
- Roderic Dolega, Ford EV Purchasing
- Miranda Flores, California Natural Resources Agency
- James C. Hanks, Imperial Irrigation District
- Arthur “Richie” Lopez, Torres Martinez Desert Cahuilla Indians
- Luis Olmedo, Comite Civico del Valle, Inc.

- Alice Busching Reynolds, California Public Utilities Commission (replacing Martha Guzman Aceves)
- Frank Ruiz, Audubon California's Salton Sea Program
- Manfred Scott, Quechan Indian Tribe
- Tom Soto, Latimer Partners, LLC.
- Jonathan Weisgall, Berkshire Hathaway Energy

The Commission held its first meeting on February 25, 2021, and since that time, held over 23 public meetings over a nearly two-year period. These publicly noticed and conducted meetings provided the Commission an opportunity to learn from representatives of industry, academia, community-based organizations, and public agencies, as well as members of communities and Tribes. On November 17, 2022, the Commission took action to finalize the *Report of the Blue Ribbon Commission on Lithium Extraction in California* (Report) and adopted 15 recommendations. The Report was developed to meet the requirements of AB 1657 and was submitted to the Legislature on December 1, 2022. The last meeting of the Commission occurred on January 20, 2023, during which a quorum of the members recommended that the CEC dissolve the Commission.

II. CEC FINDINGS

The CEC hereby adopts the following findings:

- The work of the Commission has been valuable to the California Legislature and the CEC because its Report provides foundational information about lithium, its role in the global economy and California's clean energy transition, standard methods of extraction and an overview of the recovery of lithium from geothermal brine, background and context for recovery of lithium from geothermal brine in the Salton Sea region in Imperial County; and its Report presents issues of concern raised by community members and Tribes.
- The work of the Commission has been valuable to the people of California and to the communities of the Salton Sea region because its public meetings provided a forum for exchanging ideas and raising concerns; and its Report presents those concerns, while identifying lithium extraction as having the potential for creating economic transformation of the Salton Sea region and for contributing to California's success in decarbonizing the economy and combating the climate crisis.
- The Commission, having submitted its Report to the California Legislature pursuant to the requirements of AB 1657, has fulfilled the purpose for which it was created.
- With the submittal of its Report to the California Legislature, the Commission has no further mandate.

III. CONCLUSION AND ORDER

Therefore, with recognition of the significant expertise, time, and resources volunteered by the Commission members, the CEC **ORDERS** the following:

The Blue Ribbon Commission on Lithium Extraction in California is dissolved as of February 15, 2023. The CEC directs the Executive Director to take any further necessary actions on behalf of the CEC to effectuate the dissolution of the Commission.

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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING THE DETERMINATION THAT THE SOLAR
PHOTOVOLTAIC REQUIREMENT IN THE 2022 BUILDING ENERGY EFFICIENCY
STANDARDS §150.1(c)14 SHALL NOT APPLY
TO TRINITY PUBLIC UTILITY DISTRICT

WHEREAS, California Code of Regulations, Title 24, Part 1, Chapter 10, §10- 109(k) and §10-110, establishes a process for the CEC to determine that the solar PV requirement in §150.1(c)14 shall not apply to particular buildings; and

WHEREAS, the Trinity Public Utility District (PUD) previously submitted an application to the CEC for the solar PV system requirement determination pursuant to California Code of Regulations, Title 24, §10-09(k) on March 15, 2019, which was approved by the CEC on January 22, 2020 for the duration of the 2019 Energy Code cycle; and

WHEREAS, on June 9, 2022, the Trinity PUD conducted a public hearing and approved the decision to seek a solar PV system requirement determination; and

WHEREAS, the Trinity PUD submitted an application to the CEC for the solar PV system requirement determination pursuant to California Code of Regulations, Title 24, §10-109(k) on September 6, 2022; and

WHEREAS, the Trinity PUD, in its application to the CEC, presented evidence that its low energy rates cause the solar PV system requirement to not be cost-effective for its service area; and

WHEREAS, CEC staff has considered the application of CEQA to the proposed determination and concluded that (1) approval of Trinity PUD's application is not a project within the meaning of CEQA and (2) even if it is, it is subject to the Common-Sense Exception.

WHEREAS, CEC staff analyzed whether Trinity PUD public agency rules causes the CEC's cost-effectiveness conclusions to not hold, and determined that the solar PV requirement is indeed not cost-effective as a result of Trinity PUD public agency rules, pursuant to Public Resources Code 25402(b)(3).

WHEREAS, that documents and other materials that constitute the determination record can be found online at [Docket Number 22-BSTD-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-04), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-04>; and

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed determination and concluded that approval of Trinity PUD’s September 6, 2022 application is not an activity that may cause a direct or reasonably foreseeable indirect physical change to the environment within the meaning of CEQA Guidelines § 15378 and therefore not a project under CEQA, and that it can be seen with certainty to have no possibility for causing a significant effect on the environment within the meaning of CEQA Guidelines § 15061(b)(3), and therefore subject to the Common-Sense Exception even if it is a project under CEQA; and

With regard to the requirements of 10-109(k):

- The Trinity PUD application meets all applicable §10-09(k) requirements, and determines that the solar PV requirements in the 2022 Energy Code, §150.1(c)14, shall not apply to newly constructed low-rise residential buildings within Trinity PUD service territory; and

THEREFORE BE IT RESOLVED, that the CEC adopts the findings of staff that the approval of Trinity PUD’s September 6, 2022 application has met all of the applicable requirements of 10-109(k).

FURTHER BE IT RESOLVED, that the CEC hereby grants the approval of the September 6, 2022 application from Trinity PUD, effective for the 2022 Energy Code cycle; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall take all actions 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 February 15, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ChargePoint, Inc.

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

RESOLVED, that the CEC approves Agreement 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. 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; 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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**SOLAR ENERGY GENERATING
SYSTEMS UNIT IX**

Docket No.:89-AFC-01C

**ORDER APPROVING THE
PROJECT'S DECOMMISSIONING
PLAN, FINAL DISPOSITION OF THE
DESERT TORTOISE MITIGATION
FUNDS AND TERMINATION OF THE
FACILITY AND SITE CERTIFICATION**

I. BACKGROUND

On March 30, 2022, Luz Solar Partners IX, Ltd. (project owner), an indirect wholly owned subsidiary of Terra-Gen, LLC, filed a Facility Decommissioning Plan and Petition to Terminate License (TN: 242500) with the CEC for the Solar Energy Generating Systems Unit IX (SEGS IX) facility. The project owner seeks approval of its plan and upon completion of decommissioning, termination of the facility and site certification to allow for the site to be repurposed.

SEGS IX is a solar thermal power plant that uses parabolic mirrors to concentrate solar energy for transfer into heat transfer fluid, which is then used to create steam to generate up to 80 megawatts (MW) of electric power for the Southern California Edison transmission grid. The CEC certified SEGS IX on February 14, 1990, and the facility went online in October 1990. SEGS IX is located at 43880 Harper Lake Road, on a 500-acre site near Hinkley, California, in unincorporated San Bernardino County.

The purpose of the CEC staff's decommission plan review process is to analyze whether the proposed decommissioning would comply with applicable laws and avoid significant effects on the environment and to determine that upon completion of decommissioning, the facility's certification can be terminated.

During the certification of the original SEGS VIII and IX projects, desert tortoise mitigation was required in Biological Resources Condition of Certification BIO-4f. The condition required one-time funding by the project owner to create the Harper Lake Road Tortoise Monitoring and Fencing Agreement for the construction and maintenance of tortoise fencing along Harper Lake Road to reduce mortality of desert tortoise from vehicle strikes. This fence project was managed by the Desert Tortoise Preserve Committee (DTPC) under the oversight of the CEC Compliance Project Manager.

With the decommissioning of the SEGS IX facility and termination of certification, there is no longer a requirement for the continued maintenance of the fence or the CEC's oversight of the funds. The Harper Lake Road fencing fund currently has approximately \$80,000 plus interest income in the account and the DTPC estimates that making all needed repairs of the fence will exhaust most of the funds.

II. STAFF RECOMMENDATION

CEC Staff has evaluated the SEGS IX Decommissioning Plan and concludes that implementation of the plan would not result in significant adverse environmental impacts with implementation of existing conditions of certification in the SEGS IX Decision and the additional proposed conditions in the areas of Air Quality, Biological Resources, Cultural Resources, Hazardous Materials Management, Land Use, Noise, Public Health, Soil and Water Resources, Transportation, and Worker Safety and Fire Protection. Further, the Decommissioning Plan would comply with all applicable and current laws, ordinances, regulations, and standards. Finally, staff concludes that decommissioning of the SEGS IX facility and termination of certification do not meet any of the criteria set forth in Public Resources Code section 21166 and California Code of Regulations, title 14, section 15162, that would necessitate the preparation of a subsequent or supplemental environmental document.

Staff recommends that the CEC approve the Final Decommissioning Plan and adopt the new proposed conditions of certification. Staff also recommends that upon staff and Delegate Chief Building Official (DCBO) confirmation that decommissioning has been completed, consistent with the Final Decommissioning Plan, the facility's certification is terminated allowing the site to be repurposed under the jurisdiction of the local government.

Staff recommends that the final resolution of the Harper Lake Road Tortoise Monitoring and Fencing Agreement and disposition of the funds contain the following elements consistent with the original purpose of the mitigation to conserve desert tortoise: The funds are provided to DTPC or other similar organization with knowledge as to desert tortoise conservation to support projects that further desert tortoise conservation. In the alternative, remaining funds may be provided to programs managed by the California Department of Fish and Wildlife to support desert tortoise conservation. In Lieu of funds being used beyond the termination of the SEGS IX project, funds may also be used until exhausted to make repairs or, if repairs are not feasible, to remove the Harper Lake Road desert tortoise exclusion fencing during the decommissioning phase.

III. ENERGY COMMISSION FINDINGS

The CEC concurs with staff's recommendations in its detailed assessment and finds that implementation of the Final Decommissioning Plan along with staff's recommended conditions of certification will ensure that decommissioning activities will not result in significant adverse environmental impacts and the activities remain compliant with all applicable laws. Further the CEC finds that upon confirmation by CEC staff and the DCBO that the decommissioning activities have been completed consistent with the

Final Decommissioning Plan, the SEGS IX certification of the site and facilities is terminated allowing for the site to be repurposed. Further CEC finds that decommissioning of the SEGS IX facility and termination of certification do not meet any of the criteria set forth in Public Resources Code section 21166 and California Code of Regulations, title 14, section 15162, that would necessitate the preparation of a subsequent or supplemental environmental document.

The CEC also finds that with the decommissioning of the SEGS IX facility and termination of the certification, the Harper Lake Road Fencing Agreement and mitigation program, created as part of Biological Resources Condition of Certification 4f, ends. For final disposition of the remaining Harper Lake Road Fencing Agreement funds, staff is directed to implement any of the recommended options set forth in the Staff Assessment consistent with this order.

IV. CONCLUSION AND ORDER

The CEC hereby adopts staff's recommendation and approves the Final Decommissioning Plan and Petition for Termination, and approves the recommended options for final disposition of the Harper Lake Road Fencing Agreement funds.

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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Aptera Motors Corp.

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-22-029 with Aptera Motors Corp. for a \$21,911,630 grant to install vehicle production equipment at two existing manufacturing facilities in Carlsbad and Vista, California. The manufactured product is a three-wheeled, two-passenger on-road vehicle that will be available for commercial sale in 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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Symbio North America Corporation

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-22-032 with Symbio North America Corporation for a \$9,076,445 grant to expand their facility in Poway and establish a new facility in Temecula for hydrogen fuel cell vehicle power systems and vehicle assembly. These California facilities will assemble regional long-haul heavy-duty fuel cell class 8 trucks and have an annual combined maximum production capacity of 250 trucks and 250 to 300 fuel cell power systems to expedite fuel cell truck deployment in 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 February 15, 2023.

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

Dated: February 16, 2023

SIGNED BY:

Liza Lopez
Secretariat