

**DOCKETED**

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| <b>Docket Number:</b>   | 23-BUSMTG-01  |
| <b>Project Title:</b>   | Business Meeting Agendas, Transcripts, Minutes, and Public Comments |
| <b>TN #:</b>            | 249013  |
| <b>Document Title:</b>  | Orders and Resolutions of the February 28 2023 Business Meeting     |
| <b>Description:</b>     | N/A   |
| <b>Filer:</b>           | Liza Lopez  |
| <b>Organization:</b>    | California Energy Commission  |
| <b>Submitter Role:</b>  | Commission Staff  |
| <b>Submission Date:</b> | 3/1/2023 10:42:58 AM  |
| <b>Docketed Date:</b>   | 3/1/2023  |

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Aspen Environmental Group**

**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 700-22- 005 with the Aspen Environmental Group for a \$1,500,000 contract to assist CEC with the review of certification applications under the expedited timelines of Public Resources Code (PRC) sections 25545-25545.13. The applications are for the certification of (1) solar photovoltaic (PV) or terrestrial wind electricity generating power plants; (2) energy storage systems; (3) electrical generating power plants using thermal energy (not fossil or nuclear fuels); (4) energy transmission lines carrying electric power from these facilities; (5) related manufacturing, production, and assembly facilities; and (6) post certification project changes; 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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

**RESOLUTION NO: 23-0228-3b**

**DOCKET NO. 22-AAER-02**

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: REPEAL OF PORTABLE LUMINAIRE REGULATIONS**

**WHEREAS**, on November 10, 2022, the State Energy Resources Conservation and Development Commission (“California Energy Commission” or CEC) mailed and posted on the CEC’s website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC’s intent to adopt proposed regulations for the Repeal of Portable Luminaires, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

**WHEREAS**, on November 11, 2022, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency; and

**WHEREAS**, each of the above-referenced documents and notices was provided to every person on the CEC’s Rulemaking and Appliances subscription lists, and to every person who had requested notice of such matters, and was posted to the CEC’s website; and

**WHEREAS**, on November 28, 2022, updated versions of the NOPA, ISOR, Express Terms, and the fiscal and economic impact analysis were published; and

**WHEREAS**, on January 17, 2023, the 45-day written comment period established by the updated NOPA closed; and

**WHEREAS**, on January 18, 2023, the CEC held a public hearing, as noticed in the updated NOPA, to receive comments on the proposed regulation amendments; and

**WHEREAS**, on January 19, 2023, the CEC issued a Notice of New Adoption Hearing Date, rescheduling the date on which the CEC would consider adoption of the regulation amendments to February 28, 2023.

**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 regulations and concluded that the proposed regulations are exempt from CEQA under the common sense exemption (California Code Regulations (CCR), title 14, section 15061(b)(3)) because it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment; and

With regard to the Warren-Alquist Act:

- The proposed amendments will, by ensuring the standards are clear and up-to-date, guarantee that the appliance efficiency regulations continue to reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that require a significant amount of energy or water on a statewide basis; and
- The proposed regulations are feasible and attainable; and
- The proposed regulations do not result in any added total costs to the consumer over the designed life of the appliances concerned; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, when savings accruing over the lifetime of the appliance is considered; and
- The proposed regulations are will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will have no impact on housing costs; and

- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the statutes for which it is proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost-effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed regulations will not require completion of any new report; and
- None of the comments received during the comment period, public hearing, or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on November 28, 2022.

**THEREFORE BE IT RESOLVED**, that, on the basis of the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under the common sense exemption ((CCR, title 14, section 15061(b)(3)) because it can be seen with certainty that there is no possibility that the proposed regulations will have a significant effect on the environment; and

**FURTHER BE IT RESOLVED**, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts its Repeal of Portable Luminaires regulations, as set forth in the updated express terms that were published on November 28, 2022.

The CEC takes this action under the authority of sections 25213 and 25218(e) of the Public Resources Code, which authorizes the CEC to adopt rules or regulations, as reasonable and necessary, to implement Public Resources Code sections 25218(e) and 25402; and

**FURTHER BE IT RESOLVED**, that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online at [Docket Number 22-AAER-02](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-AAER-02), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-AAER-02>; and

**FURTHER BE IT RESOLVED**, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to making any appropriate non-

substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Exemption with the State Clearinghouse; and

**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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**IN THE MATTER OF:**

***Northern California Power Agency  
Emission Performance Standard  
Compliance Filing***

Docket No.: 23-EPS-01

**ORDER FINDING COMPLIANCE WITH  
THE EMISSION PERFORMANCE  
STANDARD**

**I. BACKGROUND**

Pursuant to Public Utilities Code section 8341(e)(1), the Energy Commission established a greenhouse gases emission performance standard (EPS) of 1,100 pounds carbon dioxide per megawatt hour, as codified in Title 20 of the California Code of Regulations, section 2900 et seq. The Energy Commission is responsible for reviewing all long-term financial commitments entered into by local publicly owned electric utilities for compliance with the EPS.

**II. STAFF RECOMMENDATION**

Staff recommends that NCPA's Power Purchase Agreements with Geysers Power Company, LLC be found compliant with the EPS.

**III. ENERGY COMMISSION FINDINGS**

- a. On January 9, 2023, the Northern California Power Agency (NCPA) submitted a compliance filing requesting that the Energy Commission find that NCPA's Power Purchase Agreement with Geysers Power Company LLC for electricity from a portfolio of geothermal facilities be determined to be compliant with the EPS;
- b. Energy Commission staff reviewed NCPA's filing and found it complete. Based on its review, on January 27, 2023 staff recommended that the procurement be found to be in compliance with the EPS; specifically, staff concluded that the geothermal facilities listed in the PPA are determined to be compliant with the EPS under section 2903(b)(1) of the Public Resources Code and the Delta Energy Center is determined to be compliant with the EPS under section 2902(a) of the Public Resources Code; and

- c. The Energy Commission concurs with staff's recommendation that NCPA's compliance filing is complete and that the contract with Geysers Power Company LLC, as described in the compliance filing, complies with the EPS.

**IV. CONCLUSION AND ORDER**

The California Energy Commission hereby adopts staff's recommendation and orders that the long-term financial commitment described in NCPA's compliance filing complies with the Energy Commission's Greenhouse Gases Emission Performance Standard, as codified in Title 20 of the California Code of Regulations, section 2900 et seq.

**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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

\_\_\_\_\_  
Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

***IN THE MATTER OF:***

***Henrietta Peaker Project***

**Docket No.: 01-AFC-18C**

**Order Approving Post Certification  
Petition to Amend**

**I. BACKGROUND**

The Henrietta Peaker Project is a 95-MW simple-cycle, natural gas-fired peaking facility that was certified by the California Energy Commission (CEC) on January 31, 2002, and began commercial operation on July 1, 2002. The facility is located approximately one mile south of Highway 198 on 25th Avenue, southeast of the City of Lemoor, Kings County.

On August 23, 2022, MRP San Joaquin Energy filed a petition for a post-certification change with the CEC for the Henrietta Peaker Project (HPP). The project owner is seeking approval to amend the CEC Final Decision for the HPP to change the project description to include the interconnection of a battery energy storage system (BESS), at the low side of the existing generator step-up unit/main power transformer and use of the common facilities, and to identify Henrietta BESS LLC as the party that will have legal responsibility for the operation of the Henrietta BESS and responsibility for compliance with the CEC conditions of certification and applicable laws, ordinances, regulations, and standards.

The battery system will be located on the existing HPP site. While the HPP 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 HPP plant and Henrietta BESS sharing the generator step-up transformer, the generation interconnection (Gen-Tie), and a common point of interconnect with the CAISO controlled/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 HPP. The proposed BESS project would not increase the output of the existing natural gas plant beyond the CEC licensed capacity, would not exceed the CAISO Aggregate Capability Constraint of 99.4 MW at the point of

interconnection, and will not result in an increase in the HPP's hourly or annual air emissions above currently permitted limits.

## **II. STAFF RECOMMENDATION**

The CEC staff reviewed all project related information and, on January 23, 2023, issued a staff analysis assessing the impacts on the environment from the project and recommended mitigation. Consistent with Public Resources Code section 21166 and California Code of Regulations, title 14, section 15163, the staff analysis supplements the original final staff assessment supporting initial certification. 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. Consistent with California Code of Regulations, title 20, section 1769 (a)(4), this petition is brought to the Commission for approval.

Staff recommends approval of the petition to modify the Henrietta Peaker Project and amend related Biological 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 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 Henrietta BESS is sufficiently connected to the existing natural gas facility to appropriately be the subject of a petition for project change;
- The proposed modifications will not result in any significant impacts to public health and safety, or to the environment;
- 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 Henrietta BESS in the areas of Biological Resources, Transmission System Engineering and Worker Safety and Fire Protection Conditions of Certification;
- Henrietta BESS LLC will be responsible for implementing and complying with the conditions of certification and all laws related to the Henrietta BESS project; and

- None of the criteria in California Code of Regulations, title 20, section 1748(b) applies to this project amendment.

#### **IV. CONCLUSION AND ORDER**

The California Energy Commission hereby approves the Petition for Post-Certification License Amendment filed by MRP San Joaquin Energy, LLC, on August 23, 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 February 28, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: GUIDEHOUSE INC.

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff California Environmental Quality Act (CEQA) findings and the noncompetitive award determination contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves Agreement 300-22-002 with Guidehouse Inc. for a \$2,499,443 contract to assess the potential need for long-duration and seasonal energy storage on California's electric grid through 2045. Electrochemical, thermal, mechanical, and gaseous fuel storage technology types will be evaluated and modeled to inform electric system planning and procurement of emerging storage resources 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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: American Council for an Energy-Efficient Economy (ACEEE)**

**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 100-22-002 with ACEEE for \$18,000 to cosponsor the 2023 Hot Water Forum & Hot Air Forum Conference from March 7 to 9, 2023 in San Diego. This conference will discuss the emergence of waterand space-heating technologies and the opportunity for significant market transformation with investments in building decarbonization and workforce development made by the Infrastructure Investment and Jobs Act and the Inflation Reduction Act; 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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

\_\_\_\_\_  
Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Hell's Kitchen Geothermal LLC**

**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 a mutual termination for Agreement EPC-19-018 with Hell's Kitchen Geothermal, LLC. The grant was to design and demonstrate a pretreatment process for geothermal brine to prepare the brine for lithium recovery. Phase I of the grant was completed. Phase II of the grant has not been approved and the project cannot be completed as proposed. Hell's Kitchen Geothermal, LLC was awarded \$1,460,735 and \$64,400 of that amount was dispensed for Phase I of the grant. This termination is proposed because the recipient changed their business practices on lithium pretreatment technologies and no longer requires CEC funds; 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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**IN THE MATTER OF:**

***Steve Uhler Petition for Rulemaking***

**ORDER DENYING PETITION FOR  
RULEMAKING**

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On January 29, 2023, Steve Uhler filed a letter requesting that the California Energy Commission (CEC) initiate a rulemaking. The letter stated that a petition to initiate rulemaking was attached to the letter. As a result of the CEC's Docket System not detecting an attachment embedded in the letter, the Executive Director determined that Mr. Uhler's petition was incomplete, and the determination was emailed to Mr. Uhler on February 6, 2023.

On February 6, 2023, Mr. Uhler responded that he had filed the petition (TN 248592) with the CEC and noted that the attached "Rulemaking Petition to amend 20 CCR section 1104.pdf" file was overlooked. Chief Counsel's Office staff identified the hidden attachment by using a different version of Adobe Acrobat to access the petition, and confirmed that Mr. Uhler had in fact filed a petition requesting that the CEC initiate rulemaking pursuant to California Code of Regulations (CCR), title 20, section 1221.

Mr. Uhler's petition requests that the CEC initiate a rulemaking to amend CCR, title 20, section 1104, subsection (e) in two separate regards. First, Mr. Uhler's petition requests that section 1104(e) be amended to require CEC staff to file documents submitted in proceedings for commission business meetings in time to allow members of the public to file written comments regarding such documents in compliance with section 1104, subsection (e)'s requirement that, unless otherwise directed by the presiding member, they be filed at least three days before the commission meeting. Second, Mr. Uhler's petition requests that section 1104(e) be amended to require the CEC to provide an opportunity for members of the public to directly address the state body on each agenda item before or during the CEC's discussion or consideration of the item.

On February 14, 2023, the Executive Director determined that Mr. Uhler's petition met the requirements of CCR, title 20, section 1221 and certified that the petition was complete. The Executive Director's determination and certification was sent to Mr. Uhler via email.

On February 17, 2023, the CEC published the Business Meeting Agenda for its business meeting scheduled on February 28, 2023. The agenda included consideration of Mr. Uhler's petition for a rulemaking hearing.

On February 28, 2023, the CEC held a hearing to consider Mr. Uhler's petition for a rulemaking.

## **II. CEC FINDINGS**

Based on the entirety of the record, the CEC finds that:

- 1) CCR, title 20, section 1104, subsection (e) provides that: any person may file comments in writing on any agenda item. Unless otherwise directed by the presiding member, all written comments shall be filed at least three days before the commission meeting. Any person present shall be given an opportunity to make oral comments on any agenda item; provided however, that the presiding members may limit or preclude such comments as necessary for the orderly conduct of business.
- 2) Public Resources Code sections 25213 and 25218(e) mandate and authorize the CEC to adopt rules and regulations, as necessary, to carry out its statutory duty. Thus, the CEC has the authority to initiate a rulemaking to amend CCR, title 20, section 1104, subsection (e), as requested in the Mr. Uhler's petition.
- 3) Mr. Uhler's petition for a rulemaking meets the requirements of CCR, title 20, section 1221.
- 4) The Chief Counsel's Office evaluated Mr. Uhler's petition and found that the CEC is following existing law.
- 5) CEC staff makes documents available to the public before business meeting as required by law.
- 6) CEC has already made changes to the conduct of its business meeting to provide the public opportunity to comment before discussion of information items (non-voting items) and continues to provide the public opportunity to comment during discussion of voting items.
- 7) Thus, the requested rulemaking is not necessary and does not warrant the expenditure of resources.
- 8) CCR, title 20, section 1221(c), requires that, within 30 days of the filing of the petition, the CEC shall deny the petition, stating the reason for the denial in writing, or grant the petition, directing staff to prepare an order instituting a rulemaking.

## **III. CONCLUSIONS AND ORDER**

- 1) For the reasons stated above, the CEC hereby DENIES Mr. Uhler's petition for a rulemaking to amend CCR, title 20, section 1104, subsection (e).
- 2) CEC staff is directed to file this Order and supporting documentation with the Office of Administrative Law in accordance with Government Code section 11340.7(d).

**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 28, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 28, 2023

***SIGNED BY:***

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

ADOPTION OF THE  
FINAL 2022 INTEGRATED ENERGY POLICY REPORT UPDATE

**WHEREAS**, the Warren-Alquist Act requires the California Energy Commission (CEC) in odd-numbered years to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices" and to "use these assessments and forecasts to develop and evaluate energy policies and programs that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety" (Public Resources Code § 25301, subd. (a)); and to update these assessments and forecasts in even-numbered years (Public Resources Code § 25302, subd. (c)); and

**WHEREAS**, on April 22, 2022, the Lead Commissioner issued a Scoping Order for the 2022 Integrated Energy Policy Report Update stating that the 2022 Integrated Energy Policy Report Update would address the following three major topics as described below (1) Establishing a Framework to Center Equity and Environmental Justice Throughout CEC Efforts and Revisiting the Energy Equity Indicators (2) Creating a California Planning Library (3) Addressing Emerging Topics. The 2022 IEPR Update will serve as a model for IEPRs going forward by incorporating the results and analyses developed in multi-year in-depth CEC proceedings and investigations into a short summary format. This will allow CEC staff, and the stakeholders they engage, to conduct in-depth analysis on important topics advanced under active CEC Order Instituting Informational Proceedings and other proceedings, to coordinate the delivery of analyses and reports to support the state's other energy and environmental agencies, and to summarize findings from those efforts to be included in the 2022 IEPR Update and future IEPRs; and

**WHEREAS**, the CEC held eleven workshops, one hearing, and one webinar between April through December 2022 on the topics identified in the scoping order, to solicit input from stakeholders on these topics; and

**WHEREAS**, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *Final 2022 Integrated Energy Policy Report Update*, and concluded that the adoption of this report is not a "project" under CEQA, but that in the event that adoption were determined to be a project, that it would nonetheless be exempt from CEQA requirements pursuant to the "common sense" exemption (CEQA Guidelines, § 15061, subd. (b)(3)).

**THEREFORE BE IT RESOLVED**, the CEC hereby accepts, approves, and adopts the *Final 2022 Integrated Energy Policy Report Update*, incorporating any changes presented and adopted today along with any non-substantive changes such as typographical corrections, and directs CEC staff to make the document accessible to state, local, and federal entities, the public, and the Legislature.

**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 28, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**IN THE MATTER OF:**

**CALIFORNIA OFFSHORE  
RENEWABLE ENERGY**

Docket No.: 17-MISC-01

**Adoption of Report: *Preliminary  
Assessment of the Economic  
Benefits of Offshore Wind Related to  
Seaport Investments and Workforce  
Development Needs and Standards***

**WHEREAS**, the legislature has found and declared that offshore wind energy can contribute to a diverse, secure, reliable, and affordable renewable energy resource portfolio to serve the electricity needs of California ratepayers and improve air quality, particularly in disadvantaged communities; and

**WHEREAS**, the California Energy Commission (CEC) has actively participated in the Intergovernmental Renewable Energy Task Force, established in 2016 with representatives from federal, state, local, and federally recognized tribal governments working together to identify opportunities for renewable energy leasing and development off the coast of California; and

**WHEREAS**, through coordination with the Intergovernmental Renewable Energy Task Force and an extensive stakeholder outreach and engagement process, the U.S. Department of the Interior’s Bureau of Ocean Energy Management (BOEM), who is responsible for overseeing renewable energy development in federal waters of the Outer Continental Shelf, held an offshore wind energy lease sale on December 6 and 7, 2022, awarding five leases, two off the north coast and three off the central coast; and

**WHEREAS**, in May 2021 Governor Gavin Newsom signed an agreement on behalf of the State of California with the U.S. Department of the Interior and the U.S. Department of Defense opening the West Coast for offshore wind energy development for the first time in the state’s history; and

**WHEREAS**, Assembly Bill 525 (AB 525, Chiu, Chapter 231, Statutes of 2021) directs that the CEC “shall complete and submit to the Natural Resources Agency and the relevant fiscal and policy committees of the Legislature a preliminary assessment of the economic benefits of offshore wind as they relate to seaport investments and workforce development needs and standards;” and

**WHEREAS**, the CEC conducted workshops on October 6, 2022, October 31, 2022, and December 19, 2022, to solicit input from stakeholders on this report; and

**WHEREAS**, the CEC published the draft report on December 14, 2022, for public review and comment and, after considering all comments received, published the proposed final version on February 24, 2023.

**THEREFORE BE IT RESOLVED**, the CEC hereby adopts the final report *Preliminary Assessment of the Economic Benefits of Offshore Wind Related to Seaport Investments and Workforce Development*, incorporating any changes presented and adopted today along with any non-substantive changes such as typographical corrections, and directs CEC staff to submit the document to the Natural Resources Agency and the relevant fiscal and policy committees of the Legislature by December 31, 2022, and make the document accessible to state, local, and federal entities and 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 February 28, 2023.

AYE: Hochschild, Gallardo, Gunda, McAllister, Monahan

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: ADOPTION OF CLEAN ENERGY RELIABILITY INVESTMENT PLAN**

**WHEREAS**, Senate Bill 846 (SB 846, Dodd, Chapter 239, Statutes of 2022) directed the California Energy Commission (CEC), in consultation with the California Public Utilities Commission and the State Air Resources Board, to develop a Clean Energy Reliability Investment Plan (CERIP); and

**WHEREAS**, SB 846 directed that the CERIP identify programs and projects that accelerate the deployment of clean energy resources, support demand response, assist energy ratepayers, and increase energy reliability; and

**WHEREAS**, SB 846 directed that the CERIP to take into account California's anticipated electricity supply and demand needs for near- and mid-term reliability, the advancement of the state's policies towards 100 percent zero-carbon and renewable energy resources by 2045, and the state's greenhouse gas emissions reduction target for the electricity sector, and the CERIP does so take those factors into account; and

**WHEREAS**, SB 846 directed that the CERIP support the energy loading order, including investments in preferred resources, such as demand response and energy efficiency, reduce demand during the net-peak load, and support near- and mid-term reliability and the state's greenhouse gas goals, and the CERIP does so support the energy loading order; and

**WHEREAS**, the CEC hosted a workshop on January 20, 2023, to provide an overview of the proposed priorities for the CERIP and to solicit input from interested parties on this report; and

**WHEREAS**, the CEC published the draft CERIP on February 9, 2023, for public review and comment and, after considering all comments received, published the proposed final version on February 24, 2023.

**THEREFORE, BE IT RESOLVED**, CEC hereby adopts the final Clean Energy Reliability Investment Plan, incorporating any changes presented and adopted at the February 28, 2023, business meeting and directs CEC staff to submit the plan to the Joint Legislative Budget Committee and the chairs of the relevant policy committees of the Legislature with jurisdiction over energy policy, as directed by SB 846.

**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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ADOPTING DIABLO CANYON POWER PLANT EXTENSION – CEC  
ANALYSIS OF NEED TO SUPPORT RELIABILITY

**WHEREAS**, Senate Bill 846 (SB 846, Dodd, Chapter 239, Statutes of 2022) directed the California Energy Commission (CEC), in consultation with the Independent System Operator and the Public Utilities Commission, to “make a determination in a public process, whether the state’s electricity forecasts for the calendar years 2024 to 2030, inclusive, show potential for reliability deficiencies if the Diablo Canyon Power Plant operation is not extended beyond 2025, and whether extending operations of the Diablo Canyon Power Plant to at least 2030 is prudent to ensure reliability in light of any potential for supply deficiency, and is consistent with the emissions reduction goals of Section 454.53 of the Public Utilities Code; and

**WHEREAS**, SB 846 directs that this determination “shall be approved by a vote of the commission at its business meeting”; and

**WHEREAS**, the CEC published its draft analysis *Diablo Canyon Power Plant Extension – Draft CEC Analysis of Need to Support Reliability* on February 14, 2023 for public review and requested comments on the report and proposed determination by February 21, 2023; and

**WHEREAS**, the CEC consulted with representatives from the Independent System Operator and the Public Utilities Commission in producing the report and proposed determination; and

**WHEREAS**, after considering all comments received, the CEC published the proposed final version of the report and determination on February 24, 2023.

**THEREFORE, BE IT RESOLVED**, the CEC hereby adopts the final report *Diablo Canyon Power Plant Extension – Final Draft CEC Analysis of Need to Support Reliability*, incorporating any changes presented and adopted at the February 28, 2023, business meeting along with any non-substantive changes such as typographical corrections and determines and finds that the state’s electricity forecasts for the calendar years 2024 to 2030, inclusive, show potential for reliability deficiencies if the Diablo Canyon powerplant operation is not extended beyond 2025 and extending operations of the Diablo Canyon powerplant to at least 2030 is prudent to ensure reliability in light of any potential for supply deficiency and is consistent with the emissions reduction goals of Section 454.53 of the Public Utilities Code.

**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 28, 2023.

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

Dated: February 29, 2023

**SIGNED BY:**

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Liza Lopez  
Secretariat