

DOCKETED	
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CALIFORNIA ENERGY COMMISSION

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Notice of Public Comment Period Docket No. 22-BSTD-04

Staff Review and Analysis for Trinity Public Utility District's Application Seeking Determination on 2022 Energy Code Nonresidential and High-rise Multifamily Solar Photovoltaic Requirements

On November 21, 2022, Trinity Public Utility District (Trinity PUD) submitted to the California Energy Commission (CEC) an application for an exception to the nonresidential and high-rise multifamily buildings' solar photovoltaic (PV) system and battery storage requirements included in the 2022 Building Energy Efficiency Standards (2022 Energy Code). CEC staff has evaluated the application as it relates to the California Code of Regulations (CCR), Title 24, Part 1, Chapter 10, section 10-109(k), which is applicable in cases where "the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, interconnection fees, or other factors, causes the CEC's cost-effectiveness conclusions, made pursuant to Public Resources Code section 25402(b)(3), to not hold for particular buildings."

Staff's review and analysis of the application has determined that the application is complete and includes all the supporting information necessary for the CEC to determine if section 10-109(k) is applicable for newly constructed nonresidential and high-rise multifamily buildings within the Trinity PUD's service area. Staff encourages interested parties to participate in the review of the published staff report - Staff Review and Analysis for Trinity Public Utility District's Application for a Solar Photovoltaic Determination for Non-Residential and High-Rise Multifamily Buildings (Staff Report). CEC seeks comments on the Staff Report, as well as potential impacts relating to the proposal. After the comment period, staff's determination will be presented during a CEC business meeting for final approval.

Background

On August 11, 2021, the CEC adopted the 2022 Energy Code, which includes solar PV and battery storage requirements for some newly constructed nonresidential and all high-rise multifamily buildings in sections 140.10 and 170.2(g), respectively. High-rise multifamily buildings are multifamily buildings that have more than three habitable

stories. These requirements, along with the rest of the 2022 Energy Code, took effect on January 1, 2023.

Section 10-109(k) of the 2022 Energy Code grants the CEC the authority to determine whether the solar PV and battery storage requirements apply when implementation of public agency rules may cause CEC's cost-effectiveness conclusions to not hold for particular buildings. Trinity PUD conducted a public hearing at its board meeting on November 10, 2022, and approved the decision to seek a determination from the CEC under section 10-109(k). Trinity PUD has applied to the CEC stating that its commercial electricity rates of \$0.07758 to \$0.09011 per kilowatt-hour are lower than those assumed by the CEC when determining the cost-effectiveness of solar PV systems and requested that the CEC determine that the 2022 nonresidential and high-rise multifamily solar PV requirements would not be cost-effective with these rates.

In the Staff Report, CEC staff has concluded that the 2022 nonresidential and high-rise multifamily solar PV requirements would remain cost-effective and in effect with Trinity PUD's commercial electricity rates. However, the requirements for battery storage do not remain cost-effective. Trinity PUD's commercial rates are not differentiated by time of use and the solar energy exports are compensated at the same rate as the imports.

The [documents are available](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-04) on the CEC's docket web page at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-04>.

Public Comments

Written comments should be submitted by **5:00 p.m. on Tuesday, June 27, 2023**.

The CEC encourages the use of its electronic commenting system. Visit the [e-commenting page](https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-04) at

<https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-BSTD-04>.

Enter your contact information and a comment title describing the subject of your comment(s). After a challenge-response test used by the system to ensure that responses are generated by a human and not a computer, click "Agree & Submit Your Comment" to submit the comment to the CEC's Docket Unit. Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document in compliance with the California Code of Regulations, Title 20, section 1208.1. The maximum file size allowed is 10 MB.

You are encouraged to use the electronic filing system described above to submit comments. If you are unable to submit electronically, a paper copy of your comments, including the docket number **22-BSTD-04** and indicating "Trinity Public Utility District Photovoltaic System Determination" may be sent to:

California Energy Commission
Docket Unit, MS-4
Docket No. 22-BSTD-04
715 P Street
Sacramento, CA 95814-5504

Or may be emailed to: DOCKET@energy.ca.gov.

Please note that your e-comments, emails, written letters, any attachments, and associated contact information (for example, address, phone number, and email address) become part of the viewable public record. Additionally, this information may become available via internet search engines.

Public Participation

The CEC's public advisor provides the public with assistance in participating in CEC proceedings. For information about how to participate or to request interpreting services or other reasonable modifications and accommodations, reach out by phone at (916) 957-7910, or by email at publicadvisor@energy.ca.gov. The CEC will work diligently to meet all requests based on availability.

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Please contact Muhammad Saeed by phone at (916) 896-4797 or by email at muhammad.saeed@energy.ca.gov if you have questions on the subject matter of this notice.