

DOCKETED	
Docket Number:	22-BSTD-04
Project Title:	2022 Energy Code Photovoltaic and Battery Storage Cost Effectiveness Determinations
TN #:	252263
Document Title:	Resolution Approving the Determination re Solar Photovoltaic Requirements
Description:	Resolution No 23-0913-03c - Resolution approving the determination that the solar photovoltaic requirements in the 2022 Building Energy Efficiency Standards section 140.10 shall not apply.
Filer:	Ngoc Tran
Organization:	California Energy Commission
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING THE DETERMINATION THAT THE SOLAR
PHOTOVOLTAIC REQUIREMENTS IN THE 2022 BUILDING ENERGY EFFICIENCY
STANDARDS §140.10 SHALL NOT APPLY

RESOLUTION: California Energy Commission (CEC) approval of the determination that the solar photovoltaic (PV) requirements in the 2022 Building Energy Efficiency Standards (Energy Code) §140.10 and §170.2(g) shall not apply to the Trinity Public Utility District (Trinity PUD) service territory, pursuant to California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10.

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 requirements in §140.10 and §170.2(g) shall not apply to particular buildings; and

WHEREAS, on November 10, 2022, the Trinity PUD conducted a public hearing and approved the decision to seek a solar PV system requirements determination; and

WHEREAS, the Trinity PUD submitted an application to the CEC for the solar PV and battery storage system requirements determination pursuant to California Code of Regulations, Title 24, §10-109(k) on November 21, 2022; and

WHEREAS, the Trinity PUD, in its application to the CEC, presented evidence that its low energy rates cause the solar PV system and battery storage system requirements 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 and battery storage requirements are 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?doctetnumber=22-BSTD-04), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?doctetnumber=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 November 21, 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 §10-109(k) requirements, and determines that the solar PV requirements in the 2022 Energy Code, §140.10 and §170.2(g), shall not apply to newly constructed nonresidential and high-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 November 21, 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 November 21, 2022 application from Trinity PUD, effective solely 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 September 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: September 14, 2023

SIGNED BY:

Kristine Banaag
Secretariat