

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Physicians, Scientists and Engineers for Sustainable and Healthy Energy, 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 800-23-05 with Physicians, Scientists and Engineers for Sustainable and Healthy Energy, Inc., for up to \$999,765 to assist the CEC evaluate the social costs and non-energy benefits of the deployment of clean energy resources. The agreement will initially be for \$500,000. Additional funding, up to \$999,765 total, will require approval from the CEC's Executive Director. This agreement will help the CEC develop standard approaches to evaluate such factors as land-use impacts, public health and air quality, water supply and quality, economic impacts, and resilience; 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 October 18, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Veloz

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 600-23-004 with Veloz for a \$100,000 contract which provides the CEC membership for one year. Membership allows the CEC to participate in member meetings, working groups, workshops, briefings, and other events; and provide input on electric vehicle (EV) awareness campaigns including the prominent display of the CEC logo on related public facing literature and displays. Veloz membership provides a forum for the CEC to collaborate with stakeholders in the EV community; 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 October 18, 2023.

AYE: Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: Hochschild

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

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 amendment 1 to contract 700-22-005 with Aspen Environmental Group (AEG) to increase the agreement's budget by \$4,500,000 for a total of \$6,000,000. AEG will provide technical and expert support for CEC's evaluation of applications for certain non-fossil fuel power facilities made pursuant to the Opt-In Program defined in Chapter 6.2 of Division 15 of the Public Resources Code; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: City of Clovis

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 004-23-ECI with the City of Clovis for a \$1,152,880 loan at one-percent interest. The loan will finance installation of three solar photovoltaic (PV) arrays at three sites in Clovis. The project is estimated to generate 340,235 kWh of electricity in the first year, saving approximately \$105,471 in utility costs per year. The simple payback period is 10.9 years; 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, Gunda, McAllister, Monahan, Gallardo
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Princeton Joint 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 agreement 012-23-ECG with Princeton Joint Unified School District for a \$1,063,573 loan at zero-percent interest. The loan will finance installation of a 138.2 kW ground mounted PV array and updated thermostats in Princeton. The project is estimated to reduce 227,359 kWh of electricity consumption in the first year of solar production, saving approximately \$69,202 in utility costs per year. The simple payback period is 15.4 years; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Washington Colony Elementary 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 agreement 013-23-ECG with Washington Colony Elementary School District for a \$1,072,579 loan at zero-percent interest. The loan will finance installation of a 145.8 kW ground mounted PV array in Fresno. The project is estimated to reduce approximately 229,433 kWh of electricity consumption in the first year of solar production, saving approximately \$77,121 in utility costs per year. The simple payback period is 13.9 years; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: California Schools Healthy Air, Plumbing, and Efficiency Program
(20-RENEW-01)**

WHEREAS, Assembly Bill 841 (AB 841, Statutes of 2020, Chapter 372), added, among other statutes, Public Utilities Code (PUC) Section 1600 et seq., which directs the State Energy Resources Conservation and Development Commission (CEC) to develop and implement two programs: a program to award grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance; and another program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances; and

WHEREAS, PUC section 1614 directs the CEC to adopt guidelines to establish the eligibility criteria, reporting requirements, and technical standards for these programs: the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation and Plumbing Programs; and

WHEREAS, The CEC, at its June 25, 2021, business meeting adopted the CalSHAPE Ventilation Program Guidelines; and

WHEREAS, The CEC, at its August 11, 2021, business meeting adopted revisions to the CalSHAPE Ventilation Program Guidelines to conform with Assembly Bill 137 (AB 137, Statutes of 2021, Chapter 77), which expanded the definition in Public Utilities Code Section 1601 of Local Education Agencies—the eligible entities to receive funding under CalSHAPE—to include Regional Occupational Centers; and

WHEREAS, following a public workshop to solicit feedback on lessons learned during early program implementation the CEC, at its June 8, 2022, business meeting adopted the Second Edition of CalSHAPE Ventilation Program Guidelines, which expanded eligibility, clarified certain acceptable application documents and final invoice requirements, and extended the application correction period time; and

WHEREAS, following public notice of proposed changes in accordance with the requirements of The Guidelines, the CEC at its May 31, 2023, business meeting adopted the Third Edition of the CalSHAPE Ventilation Program Guidelines, which added requirements for the second phase of program awards for the repair, upgrade, or replacement of Heating, Ventilation, and Air Conditioning systems (“Upgrade and Repair grants,” which are in addition to the first phase “Assessment and Maintenance

grants”) and added language on additional funding allocated to the program from the Greenhouse Gas Reduction Fund; and

WHEREAS, CEC staff propose a Fourth Edition of the CalSHAPE Ventilation Program Guidelines to revise the timing of payment for Assessment and Maintenance awards, and remove the limit on the number of applications that can be submitted in each funding round for both phases of program awards (Assessment and Maintenance grants and Upgrade and Repair grants); and

WHEREAS, the CEC publicly noticed the proposed Fourth Edition changes to the CalSHAPE Ventilation Program Guidelines at least 15 days before the October 18, 2023, business meeting in accordance with the requirements in The Guidelines; and

WHEREAS, the CEC’s legal office has considered the application of the California Environmental Quality Act (CEQA) to the CEC’s adoption of the proposed Fourth Edition of the CalSHAPE Ventilation Program Guidelines and opined that the CEC’s adoption is exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; and

THEREFORE, BE IT RESOLVED, The CEC hereby finds the adoption of the proposed Fourth Edition of the CalSHAPE Ventilation Program Guidelines to be exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; adopts the proposed Fourth Edition of the CalSHAPE Ventilation Program Guidelines; and delegates the authority and directs the CEC staff to take, on behalf of the CEC, all actions reasonably necessary to implement the Fourth Edition of CalSHAPE Ventilation Program Guidelines, including, if necessary, making grammatical or other non-substantive, minor changes to the guidelines as needed.

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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***Amendments to the Whole-House
Home Energy Rating and Labeling
Regulations***

Docket No.: 23-HERS-02

**ORDER INSTITUTING RULEMAKING
PROCEEDING**

I. PURPOSE AND SCOPE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes a rulemaking proceeding under Public Resources Code § 25942 *et seq.* (Home Energy and Labeling Program) to consider amendments to the California Home Energy Rating System (HERS) Program regulations (Title 20, California Code of Regulations, sections 1670-1675). This action is taken under the authority of Public Resources Code sections 25210, 25213, 25218(e), 25218.5, and 25942, and Title 20, California Code of Regulations, sections 1220-1225.

Advancing energy efficiency of new and existing residential buildings is a critical strategy to achieving California's climate action and greenhouse gas reduction goals. Public Resources Code (PRC) Section 25942 directs the CEC to establish a consistent, accurate, and uniform home energy rating system based on a single statewide rating scale. The program is directed to include reasonable estimates of potential utility bill savings, and reliable recommendations on cost-effective measures to improve energy efficiency. In response to this directive, the CEC created the California HERS Program in Title 20 of the California Code of Regulations, which currently includes two subprograms. The first is a voluntary whole-house home energy rating and labeling program, as called for in PRC 25942. The second is a mandatory field verification and diagnostic testing program, which specifies verification procedures used to demonstrate compliance with the California Building Energy Efficiency Standards in Title 24, Part 6. In a separate proceeding, the CEC is in the process of removing the field verification and diagnostic testing requirements from Title 20 and moving them into Title 24, Part 6.

In this proceeding, the CEC will consider various amendments to update and improve the voluntary whole-house home energy rating and labeling program in the Title 20 regulations to better support state energy efficiency, climate action, and greenhouse gas reduction goals.

II. DELEGATION OF AUTHORITY

Commissioner Andrew McAllister is lead commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the lead commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code sections 11340 et seq.) and the California Environmental Quality Act (Public Resources Code sections 21000, et seq). Adoption of any changes to the CEC's regulations pursuant to this Order Instituting Rulemaking will be by vote of the CEC at a noticed business meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The executive director, in conjunction with the public advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth deadlines for the receipt of written comments in Notices of Proposed Action, which will be published later in this proceeding. When new information is posted in this proceeding, an email will be sent to those on either the Efficiency Topics or Building Energy Efficiency Standards subscription lists. To receive these notices, sign up for subscriptions and manage existing subscriptions at CEC Subscriptions at <https://www.energy.ca.gov/subscriptions>.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page for this docket at [<https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=23-HERS-02>], Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 California Code of Regulations section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 23-HERS-02 and "Whole-House Home Energy Rating and Labeling Pre-Rulemaking" in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

Docket No. 23-HERS-02
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC's Public Advisor assists the public with participating in CEC proceedings.

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 October 18, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: ADOPTION OF EQUITABLE BUILDING DECARBONIZATION
DIRECT INSTALL PROGRAM GUIDELINES (22-DECARB-03)**

WHEREAS, Assembly Bill 209 (AB 209, Chapter 251, Statutes of 2022) directed the California Energy Commission (CEC) to develop and implement the Equitable Building Decarbonization Program, to include two components: a direct install program and a statewide incentive program for low-carbon building technologies; and

WHEREAS, AB 209 provides that the CEC may adopt guidelines or other standards for the program, and that the Administrative Procedure Act (commencing with Government Code section 11340) does not apply to guidelines or other standards for the program adopted at a CEC business meeting; and

WHEREAS, CEC staff released a Request for Information on December 9, 2022, and held a public workshop on December 13, 2022, to solicit input to inform the development of the Equitable Building Decarbonization Program; and

WHEREAS, CEC staff released draft guidelines for the Equitable Building Decarbonization Direct Install Program on May 7, 2023, hosted several public workshops to solicit input on the draft guidelines, and accepted written comments on the draft guidelines through June 30, 2023; and

WHEREAS, having considered public comments on the draft guidelines, CEC staff published the proposed Equitable Building Decarbonization Direct Install Program Guidelines to the CEC website and the program docket (22-DECARB-03); and

WHEREAS, the proposed Equitable Building Decarbonization Direct Install Program Guidelines establish a framework to provide energy efficiency, decarbonization, or load flexible solutions directly to consumers at minimal or no cost through a third-party implementer, as directed by AB 209; and

WHEREAS, the CEC's legal office considered the application of the California Environmental Quality Act (CEQA) to the CEC's adoption of the Equitable Building Decarbonization Direct Install Program Guidelines and concludes that the CEC's adoption of these Guidelines is exempt from CEQA under California Code of Regulations, title 14, sections 15307, 15308, and 15061(b)(3).

THEREFORE, BE IT RESOLVED, the CEC finds the Equitable Building Decarbonization Direct Install Program Guidelines are based on substantial evidence in the record and advance the legislative directive in AB 209; and

FURTHER BE IT RESOLVED, the CEC finds the adoption of the Equitable Building Decarbonization Direct Install Program Guidelines is exempt from CEQA under California Code of Regulations, title 14, sections 15307 and 15308 (Class 7 and 8 exemptions) and section 15061(b)(3) (common sense exemption); and

FURTHER BE IT RESOLVED, the CEC hereby adopts the Equitable Building Decarbonization Direct Install Program Guidelines, incorporating any changes presented and adopted today along with any non-substantive changes, such as typographical corrections; 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 implement the Equitable Building Decarbonization Direct Install Program as specified in the Guidelines.

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 October 18, 2023.

AYE: Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ADOPTION OF FLEXIBLE DEMAND APPLIANCE STANDARDS FOR
POOL CONTROLS (Docket 23-FDAS-01)

WHEREAS, on February 23, 2023, the State Energy Resources Conservation and Development Commission (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 Flexible Demand Appliance Standards for Pool Controls, the proposed regulations, the Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the Economic Impact Statement (Form 399); and

WHEREAS, on February 24, 2023, the NOPA was published in the California Regulatory Notice Register, delivered to the secretary of the California Natural Resources Agency, and distributed to the CEC's Appliance Efficiency Standards, the CEC Initial Rulemaking Interest, the Flexible Demand Appliances, and the Load Management and Demand Response email subscription lists, and to every person that requested notice of such matters. The NOPA stated that a public hearing to hear comments on the proposed regulations would be held on April 11, 2023; and

WHEREAS, on April 10, 2023, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on April 11, 2023, the CEC staff for the rulemaking held a public hearing for the proposed regulations, as noticed in the NOPA, to receive oral comments on the proposed regulations; and

WHEREAS, on June 21, 2023, the CEC published a notice of 15-day comment period proposing changes to the proposed language based on comments received during the 45-day comment period and the April 11, 2023, public hearing; and

WHEREAS, on June 23, 2023, the CEC published a notice of 15-day comment period replacing the notice issued on June 21, 2023, and restarting the 15-day comment period due to errors identifying some of the changes in the proposed regulatory language, and

WHEREAS, on July 10, 2023, the 15-day comment period closed; and

WHEREAS, on September 1, 2023, the CEC published a second notice of 15-day comment period proposing further changes to the proposed language based on comments received during the prior 15-day comment period; and

WHEREAS, on September 18, 2023, the second 15-day comment period closed; and

WHEREAS, on October 5, 2023, the CEC published a Final Proposed Regulatory Text that included two non-substantive changes from the regulatory text published on September 1, 2023;

WHEREAS, each of the above-referenced documents and notices was posted on the CEC's website and provided to every person on the CEC's Appliance Efficiency Standards, the CEC Initial Rulemaking Interest, the Flexible Demand Appliances, and the Load Management and Demand Response email subscription lists, and to every person who had requested notice of such matters; and

WHEREAS, on October 18, 2023, the CEC considered adoption of the proposed regulations at its business meeting; and

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed regulations are exempt from CEQA requirements under the categorical exemptions set forth in California Code of Regulations, Title 14, sections 15306, 15307, and 15308, and under the common sense exemption pursuant to section 15061(b)(3); and

With regard to the Warren-Alquist Act:

- The proposed regulations will reduce emissions of greenhouse gases associated with electricity generation by enabling appliance operations to be scheduled, shifted, or curtailed. Specifically, the regulations will enable flexible operations for pool controls and, generally, set the foundation for a program that will continue to pursue opportunities to achieve GHG reductions and other benefits through flexible demand technologies.
- The regulations are based on feasible improvements and attainable efficiencies; and
- The CEC considered cybersecurity protocols that are equally or more protective than the National Institute of Standards and Technology's reliability and cybersecurity protocols and the North American Electric Reliability Corporation's Critical Infrastructure Protection standards; and
- The regulations are cost-effective; 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 regulation will impose no direct cost 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 will result in the elimination of some jobs in California but in the net creation of jobs in 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 discretionary 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 significant cost impacts to representative private persons or business in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, or worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purpose 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 three separate comment periods, public hearing, or at the public adoption hearing, and nothing else in the record, justified any substantive changes to the proposed regulations as published on September 1, 2023; and

THEREFORE, BE IT RESOLVED, that, based on the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under the categorical exemption under California Code of Regulations title 14, sections 15307 and 15308 and the common sense exemption under section 15061(b)(3) for the reasons stated in the Notice of Exemption prepared for the project; 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 a

new Chapter 4.1, Article 1, sections 1690, 1691, 1692, 1693, 1694, 1695, 1696, and 1697 into Title 20, Flexible Demand Appliance Standards, as set forth in the proposed language that was published to the rulemaking docket on October 5, 2023; and

The CEC takes this action under the authority of Senate Bill 49 (Skinner, Chapter 697, Statutes of 2019), specifically sections 25402(f) and 25402.11 of the Public Resources Code, authorizing the CEC to develop standards for flexible demand technologies to reduce greenhouse gas (GHG) emissions from electricity generation; 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 in [Docket Number 23-FDAS-01](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-FDAS-01), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-FDAS-01>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs staff and the executive director or their designee 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.

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 October 18, 2023.

AYE: Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**MAXIMUM GROSS GASOLINE REFINING
MARGIN AND PENALTY**

DOCKET No: 23-OIIP-01

**ORDER INSTITUTING
INFORMATIONAL PROCEEDING**

I. INTRODUCTION

In March 2023, Governor Gavin Newsom signed Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, ch. 1), the California Gas Price Gouging and Transparency Law. This bill, along with SB 1322 (Stats. 2022, ch. 374), added to the California Energy Commission's (CEC) oversight of the petroleum industry established by the Petroleum Industry Information Reporting Act (PIIRA) of 1980 (Public Resources Code, §25350 et seq.).

Among other things, SB X1-2 increases transparency through new data collection and reporting, creates an independent division to monitor petroleum markets and flag potential market manipulation, and requires the CEC to assess the transportation fuels market and identify methods to ensure an adequate, affordable, and reliable fuel supply as the state transitions away from petroleum fuels. To protect Californians from gasoline price gouging, SB X1-2 also authorizes the CEC to set a maximum gross gasoline refining margin (Max Margin) and a penalty for refiners that exceed it. The CEC is launching this informational proceeding to explore potentially establishing a Max Margin and penalty.

II. AUTHORITY AND ASSIGNMENT OF LEAD COMMISSIONER

Pursuant to Public Resources Code section 25210 and California Code of Regulations, Title 20, sections 1220(b) and 1222(b), informational proceedings allow the CEC to hold hearings and take other actions to gather and assess information needed to assist it in formulating policies. This proceeding will provide a forum for the CEC to gather necessary information to consider establishing a Max Margin under Public Resources Code (PRC) section 25355.5. If the CEC establishes a Max Margin, it must also establish a penalty for exceeding that Max Margin. The CEC must consider certain information in establishing a Max Margin and penalty, such as the information reported under PRC Section 25355(b) and confidential information submitted pursuant to PRC Sections 25354 and 25355. SB X1-2 specifically directs the CEC to consider the impacts a Max Margin and penalty may have on petroleum supplies and on the price at the pump in California. The CEC may consider any public data and reports that it determines will assist its analysis.

Together, these provisions of law give the CEC authority to collect the information necessary to analyze the impacts of a Max Margin and penalty, and determine whether to establish a Max Margin and penalty.

Vice Chair Siva Gunda shall be the Lead Commissioner for this OIIP.

III. NATURE AND PURPOSE OF THIS PROCEEDING

Through this Order Instituting Informational Proceeding (OIIP), the CEC seeks to collect information and perspectives on establishing a Max Margin, and if a Max Margin is warranted, determining the level it should be set at and the associated penalty to be imposed on refiners that exceed the Max Margin. Prior to setting a Max Margin and penalty, the CEC must find: "...that the likely benefits to consumers outweigh the potential costs to consumers." The CEC has discretion to consider all relevant factors in making this determination, including:

- (1) Whether a Max Margin and penalty are likely to cause greater imbalance between supply and demand in the California transportation fuels market.
- (2) Whether a Max Margin and penalty are likely to cause higher average prices at the pump on an annual basis.
- (3) Whether case-by-case exemptions from the Max Margin will allow refiners to demonstrate the need for a greater margin before making production decisions.

The OIIP seeks to establish a record of stakeholder input from multiple perspectives, including those of consumer advocates, environmental justice and environmental groups, labor, industry, academia, and the public. CEC staff will use the input received through the OIIP to develop recommendations for the Max Margin, penalty, and exemptions from the penalty, if applicable.

This proceeding may include extensive stakeholder engagement, including workshops, working groups, and outreach to communities and community-based organizations who cannot easily participate in regulatory proceedings. This OIIP will facilitate information exchange with interested stakeholders. Therefore, pursuant to the authority and powers described above, the Lead Commissioner may require the presence and participation of such persons in this informational proceeding pursuant to this Order and any future orders consistent with the nature and purpose of this OIIP. The CEC may also launch phases within the informational proceeding to further focus the proceeding's scope and to address new or emerging issues.

IV. HEARINGS AND WORKSHOPS

The Lead Commissioner will issue notices at least 14 days before the first hearing and 10 days in advance of any subsequent hearings and workshops and will identify at that time when written comments or testimony will be due, as well as the manner of the filing. Public comment will be allowed at all workshops and hearings. The CEC will hold

the first hearing in this proceeding on November 28, 2023 from 9 a.m. to 12 p.m. Pacific Time. This hearing is currently planned as a virtual workshop. Additional details will be included in the public notice. The CEC may hold additional hearings in this proceeding as necessary.

V. PUBLIC PARTICIPATION

The CEC encourages public participation in this proceeding. Any person participating in a hearing or workshop shall be afforded reasonable opportunity to make comments. Petitions to intervene are not necessary.

To foster public participation in this proceeding, the Executive Director, in conjunction with the Public Advisor, shall ensure that information regarding this order and notices of hearings and workshops are distributed to all interested persons via the list serve and posted on the CEC website. To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, interested persons may subscribe to the proceeding list serve (Transportation Energy > SB 2 Implementation), which can be accessed here: https://www.energy.ca.gov/listservers/index_cms.html. The list serve emails notifications and direct links when documents and notices are filed in the proceeding docket.

For additional information about how to participate in this proceeding, please contact the CEC's Office of the Public Advisor, Energy Equity, and Tribal Affairs at (916) 957-7910, or via email at publicadvisor@energy.ca.gov. Media questions should be directed to the CEC's Media Office by email at mediaoffice@energy.ca.gov.

VI. CONCLUSION AND ORDER

The CEC therefore institutes an informational proceeding to accomplish the purposes specified above, designates Vice Chair Siva Gunda as Lead Commissioner of this proceeding, and directs the Executive Director and staff to collect and evaluate the information needed under guidance of the Lead Commissioner.

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 October 18, 2023.

AYE: Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**DEVELOPING REGULATIONS,
GUIDELINES, AND POLICIES FOR
IMPLEMENTING SB X1-2 AND SB 1322**

DOCKET No: 23-OIR-03

**ORDER INSTITUTING
RULEMAKING**

I. PURPOSE AND SCOPE OF THE PROCEEDING

Pursuant to Public Resources Code (PRC) sections 25213, and 25218(e), and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (CEC) hereby institutes a rulemaking proceeding to consider regulations, including emergency regulations and guidelines exempt from the Administrative Procedure Act, to implement statutory provisions related to transportation fuel supply and pricing, including those contained in Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, ch. 1) and SB 1322 (Stats. 2022, ch. 374).

In 2023, SB X1-2 was enacted, amending sections 25354, 25355, 25362, and 25364 of the Public Resources Code, as well as adding sections 25354.2, 25355.5, 25355.7, 25367 and Chapter 4.6 (commencing with section 25370) to Division 15 of the Public Resources Code. SB X1-2 increases the CEC's data collection authority beyond the CEC's existing authority under the Petroleum Industry Information Reporting Act (PIIRA) requirements, and, among other things:

- Requires the CEC to prepare and submit to the Legislature a Transportation Fuels Assessment.
- Requires the CEC and the State Air Resources Board to prepare and submit to the Legislature a Transportation Transition Plan.
- Authorizes the CEC to set a maximum gross gasoline refining margin and penalty for exceeding that margin.
- Establishes the Division of Petroleum Market Oversight within the CEC.
- Establishes the Independent Consumer Fuels Advisory Committee.

This proceeding will start the rulemaking process to amend existing CEC regulations associated with PIIRA (Cal. Code Regs., title 20, section 1361 et seq.). Potential changes will center on rules related to the data collection and analysis provisions in PRC section

25354 and rules to manage necessary refinery maintenance and turnarounds pursuant to PRC section 25354.2. Additional rules for other aspects of PRC 25354 and 25355 will also be considered for data collection purposes. New guidelines regarding refinery maintenance reports to implement PRC section 25354(m) may be considered as part of this proceeding. The CEC may consider additional regulations pertaining to other aspects of SB X1-2, SB 1322, or other PIIRA provisions.

II. DELEGATION OF AUTHORITY

Vice Chair Siva Gunda is Lead Commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the Lead Commissioner, to take all actions reasonably necessary to present proposed regulations and guidelines to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code, § 11340 et seq.), where applicable, and the California Environmental Quality Act (Public Resources Code, § 21000 et seq.). Adoption of any regulations or guidelines pursuant to this OIR will be by vote of the CEC at a noticed Business Meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. The Executive Director, in conjunction with the Public Advisor, shall ensure that this order and all notices of hearings and workshops are distributed to all interested persons, and that sufficient advance public notice is provided prior to the CEC's consideration or adoption of any regulations or guidelines, or amendments thereto, pursuant to this OIR. The CEC will establish dates for the receipt of written comments on draft regulations in accordance with applicable law.

When new information is posted to the OIR docket, an email will be sent to those on the SB 2 Implementation and General Transportation and Petroleum Issues list servers. To receive these notices, subscribe at the CEC's General Subscription Page, <https://public.govdelivery.com/accounts/CNRA/signup/31719>.

The CEC encourages use of its electronic commenting system. Visit the [e-commenting](#) page at <https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=23-OIR-03>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent

with 20 California Code of Regulations Section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 23-OIR-03 in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

**Docket No. 23-OIR-03
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512**

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC's Public Advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact publicadvisor@energy.ca.gov for assistance.

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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION ADOPTING THE DISTRIBUTED ELECTRICITY BACKUP ASSETS
PROGRAM GUIDELINES, FIRST EDITION (22-RENEW-01)

WHEREAS, Assembly Bill (AB) 205 (Ting, Statutes of 2022, Chapter 61), added, among other statutes, Public Resources Code section 25792, which directs the California Energy Commission (CEC) to implement and administer the Distributed Electricity Backup Assets (DEBA) program to incentivize the construction of cleaner and more efficient distributed energy assets that would serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events using moneys appropriated therefor; and

WHEREAS, AB 180 (Ting, Statutes of 2022, Chapter 44) appropriated an overall program budget of \$545 million for the DEBA program to support distributed electricity backup assets and utility scale assets including incentives for clean backup generation; and

WHEREAS, Public Resources Code section 25791 and section 18 and section 19 of AB 180 provide that the CEC shall develop and adopt guidelines or other standards for the program in consultation with the California Air Resource Board (CARB) and that the Administrative Procedure Act (commencing with Government Code section 11340) does not apply to guidelines or other standards for the program adopted at a CEC business meeting; and

WHEREAS, the CEC has consulted with CARB, the Public Utilities Commission, the Department of Water Resources, and California balancing authorities in developing these guidelines; and

WHEREAS, Public Resources Code section 25791 directs the CEC to "allocate moneys for either of the following: (1) Efficiency upgrades, maintenance, and capacity additions to existing power generators, consistent with subdivision (e). (2) Deployment of new zero- or low-emission technologies, including, but not limited to, fuel cells or energy storage, at existing or new facilities"; and

WHEREAS, section 18 and section 19 of AB 180 provide that the CEC may "[u]se any type of third-party block grant or contract with incentive program implementers for the purposes of implementing the program"; and

WHEREAS, section 18 and section 19 of AB 180 provide that "[f]inancial incentives provided with these funds shall not require the review, consent, or approval of the

Department of General Services or any other state department or agency and do not need to comply with requirements under the State Contracting Manual, the Public Contract Code, or the contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code;” and

WHEREAS, section 18 and section 19 of AB 180 provide that “[t]hese funds shall be available for encumbrance or expenditure by the [CEC] until June 30, 2026, and shall be available for liquidation until June 30, 2030;” and

WHEREAS, CEC staff released a request for information on November 7, 2022, to solicit stakeholder feedback on the potential design of the DEBA program; and

WHEREAS, CEC staff conducted a public workshop on January 27, 2023, to solicit stakeholder feedback on the potential design of the DEBA program; and

WHEREAS, the DEBA Program Guidelines, First Edition, were informed by these requirements and stakeholder feedback and were published in draft form to the DEBA program docket (22-RENEW-01) and emailed to the email subscription list, Distributed Electricity Backup Assets, on August 11, 2023; and

WHEREAS, CEC staff conducted a public workshop on August 15, 2023, to solicit further stakeholder feedback on the draft DEBA Program Guidelines, First Edition, and accepted written comments from August 11, 2023, through August 31, 2023; and

WHEREAS, having considered public comments on the draft of the DEBA Program Guidelines, First Edition, on October 5, 2023, CEC staff published a revised draft of the DEBA Program Guidelines, First Edition, to the DEBA program docket (21-RENEW-01) and to the email subscription list Distributed Electricity Backup Assets; and

WHEREAS, the CEC’s staff has considered the application of the California Environmental Quality Act (CEQA) to the CEC’s adoption of the DEBA Program Guidelines, First Edition, and concludes that these Guidelines are exempt from CEQA under California Code of Regulations, title 14, sections 15061(b)(3).

THEREFORE, BE IT RESOLVED, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed DEBA Program Guidelines, First Edition, and finds that its adoption is exempt from CEQA requirements pursuant to the “common sense” exemption (CEQA Guidelines, § 15061, subd. (b)(3)) because there is no possibility that the proposed regulations may have a significant effect on the environment, and nothing in the record suggests otherwise; and

FURTHER BE IT RESOLVED, that, after considering all comments received, and based on the entire record of this proceeding, the CEC hereby adopts the DEBA Program Guidelines, First Edition, as published on October 5, 2023, and incorporating any changes presented and adopted today along with any non-substantive changes such as correction of typographical errors. We take this action under the authority of

sections 25213, 25218(e), and 25791 of the Public Resources Code and Section 18 and Section 19 of AB 180; and

FURTHER BE IT RESOLVED, that the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to implement the DEBA program as specified in the DEBA Program Guidelines, First Edition, including entering into contracts for the disbursement of money in accordance with the Guidelines and verifying compliance with program and contract requirements and, if necessary, making grammatical or other non-substantive changes to the DEBA Program Guidelines, First Edition.

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 October 18, 2023.

AYE: Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Staff's Gas Research and Development Program 2023 Annual Report

WHEREAS, Public Resources Code Section 25620.8(a) requires the Energy Commission to prepare and submit to the Legislature a Gas Research and Development (Gas R&D) Program Annual Report by October 31st of each year, reporting information on activities and projects funded in the previous calendar year; and.

WHEREAS, Section 25620.8(a) requires the Gas R&D Program annual reports include, but are not limited to, a summary of the Gas R&D program's impact and benefits, a summary of how funding is allocated to investment areas, a description of successful or promising projects in each investment area, a summary of expected initiatives and activities over the next year, information on approved budgets and benefits, all active projects and recently completed projects, a description of any recent changes to spending guidelines or eligible projects and recommendations for program improvements; and

THEREFORE, BE IT RESOLVED, Energy Commission staff have prepared the Gas R&D Program 2023 Annual Report in accordance with the requirements of Public Resources Code Section 25620.8, and California Public Utilities Commission (CPUC) Gas R&D Program Decision 04-08-010; and

RESOLVED, that the CEC approves the Gas Research and Development Program 2023 Annual Report; and directs the Executive Director, or his designee, to take the following action:

- Finalize the Gas R&D Program 2023 Annual Report, including but not limited to incorporating any changes presented and adopted today along with any nonsubstantive changes such as typographical corrections and graphical formatting;
- Forward the final report to the Legislature and to the CPUC;
- Make the final report available to the public on the Energy Commission's website; 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 October 18, 2023.

AYE: Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Lawrence Berkeley National Laboratory

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 EPC-23-017 with Lawrence Berkeley National Laboratory for a \$1,200,000 grant to investigate the social and economic costs of long duration widespread power outages on disadvantaged vulnerable communities as defined in the California Public Utilities Commission climate adaptation rulemaking. The project will estimate previously undercounted costs of these power outages and support integration of these costs in assessing the value of utility investments in increased resilience; 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 October 18, 2023.

AYE: Gunda, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild, McAllister

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Smartville, 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 EPC-23-016 with Smartville, Inc. for a \$1,499,995 grant to demonstrate two second life battery energy storage systems, extend cycle life, and establish low-rate initial production of these systems using a modular battery assembly at two locations in Carlsbad and Fresno. This is a federal cost share grant leveraging \$5,999,525 of Bipartisan Infrastructure Law funding from the U.S. Department of Energy; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Twelve Benefit 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 EPC-23-015 with Twelve Benefit Corporation for a \$2,792,088 grant to develop and test a novel electrochemical reactor capable of converting carbon dioxide (CO₂) into carbon monoxide for use in concrete manufacturing. The test will occur in Alameda, using simulated flue gas from a California cement manufacturer, and will demonstrate the potential long-term storage of CO₂ in cement; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: California Grinding, 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-23-001 with California Grinding, Inc. for a \$1,629,962 grant to perform an engineering evaluation to determine the optimal pathway to convert forest and woody biomass waste to transportation fuel at the existing Fresno Renewable Energy System facility. This approval will fund a technical, economic, and environmental analysis of three different technologies being considered for fuel production; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Zero Emission Industries, 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 PIR-23-007 with Zero Emission Industries, Inc. for a \$5,250,000 grant to fund the development and demonstration of a mobile liquid hydrogen bunkering solution for medium and heavy-duty maritime applications. The findings from this project will be immediately applicable to the decarbonization of California ports and could facilitate the adoption of zero emission heavy equipment in various transportation sectors, with a demonstration occurring at Port of Los Angeles; 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 October 18, 2023.

AYE: Gunda, Monahan, Gallardo

NAY: NONE

ABSENT: Hochschild, McAllister

ABSTAIN: NONE

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ZeroAvia Federal, 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 PIR-23-006 with ZeroAvia Federal, Inc. for a \$3,250,000 grant to fund the development and demonstration of a mobile liquid hydrogen storage and dispensing system for refueling hydro-electric aircraft. The project will advance liquid hydrogen refueling for aviation with its demonstration at an airport in Kern County and the lessons learned will help decarbonize many applications in the transportation sector; 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 October 18, 2023.

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

Dated: October 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat