

**DOCKETED**

<b>Docket Number:</b>	23-BUSMTG-01
<b>Project Title:</b>	Business Meeting Agendas, Transcripts, Minutes, and Public Comments
<b>TN #:</b>	253061
<b>Document Title:</b>	Resolutions and Orders of the November 8, 2023 Business Meeting
<b>Description:</b>	N/A
<b>Filer:</b>	Ngoc Tran
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	11/9/2023 1:58:09 PM
<b>Docketed Date:</b>	11/9/2023

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

**RESOLUTION:** The Board of Trustees of the Leland Stanford Junior University

**WHEREAS,** The CEC desires to partner with Board of Trustees of the Leland Stanford Junior University (Stanford University) to jointly hold a California energy-focused summit in January 2024. The CEC logo and mailing lists will be used in event promotions and the CEC will provide staffing for this event.

**THEREFORE, BE IT RESOLVED,** that the CEC approves the no-cost co-sponsorship with Stanford University to hold a California energy-focused summit, use the CEC logo, name and mailing lists for event promotions and provide staffing for the event; 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 November 8, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Interstate Renewable Energy Council, Inc. (IREC)**

**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 100-23-005 with IREC for a \$5,000 sponsorship contract to support the research and implementation of the 2022 National Solar Jobs Census, including California-specific data; 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 November 08, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

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

**RESOLUTION: Interstate Renewable Energy Council, Inc. (IREC)**

**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 100-23-006 with IREC for a \$5,000 contract for a one-year membership. Membership supports CEC staff's access to events, reports, white papers, and other technical resources for the acceleration of clean energy adoption; 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 November 08, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

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

**RESOLUTION: CivicWell**

**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 100-23-004 with CivicWell for a \$15,000 contract for a one-year membership. Membership allows CEC staff to meet with key stakeholders and participate in forums to pursue innovative smart-growth and climate resilience strategies; 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 November 08, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
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 400-23-003 for a \$25,000 contract to formalize the CEC's membership with ACEEE. This one-year membership allows CEC staff access to a network of energy efficiency experts, leaders, and decision makers; 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 November 08, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Alliance to Save Energy**

**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 100-23-003 with Alliance to Save Energy for a \$25,000 contract for a one-year membership. Membership allows CEC staff to meet with key policy and decision makers and officials from over 100 organizations to advance energy efficiency through unique and effective policy, market transformation, education, communication, and research and technology initiatives. These meetings provide a forum for exchanging information, ideas, and resources; 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 November 08, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

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

**RESOLUTION: Town of Yucca Valley**

**WHEREAS**, Town of Yucca Valley (hereafter “Town”) has requested funding for the “Solar PV System Installation at Aquatics and Recreation Center Project” (hereafter, “Project”), a project for a 320 kW carport-mounted and rooftop-mounted solar photovoltaic system installation at the Town’s Aquatics and Recreation Center, as more fully set forth in proposed Agreement 005-23-ECI (hereafter, “005-23-ECI”); and

**WHEREAS**, Town is the lead agency pursuant to the California Environmental Quality Act (hereafter, “CEQA”) (Pub. Resources Code section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, section 15000 et seq.); and

**WHEREAS**, Town prepared an Initial Study; and on the basis of the Initial Study, prepared a Mitigated Negative Declaration (hereafter, “MND”) to determine the potential environmental impacts of the Aquatics and Recreation Center; and

**WHEREAS**, Town adopted the MND on August 24, 2010; prepared Addendum No. 1 to the MND and subsequently adopted Addendum No. 1 on October 25, 2011, prepared Addendum No. 2 to the MND and subsequently adopted Addendum No. 2 on June 1, 2021; and

**WHEREAS**, Town prepared Addendum No. 3 to the MND to determine the potential environmental impacts of the Project and subsequently adopted Addendum No. 3 on August 15, 2023; and

**WHEREAS**, the State Energy Resources Conservation and Development Commission (hereafter, “Energy Commission”) is a responsible agency and must therefore, pursuant to CEQA Guidelines, sections 15091 and 15096, subdivision (h), make certain findings prior to approval of 005-23-ECI; and

**WHEREAS**, the Energy Commission has reviewed and considered the Initial Study, MND, Addenda, and other related documents in the record before it; and

**WHEREAS**, the Energy Commission has no information indicating that the environmental documentation is inadequate and has used its own independent judgment to consider the Initial Study, MND, Addenda and other related documents in the record before it in deciding whether to approve 005-23-ECI.

**THEREFORE, BE IT RESOLVED**, the Energy Commission finds, on the basis of the entire record before it, that since the MND and Addenda were adopted by Town, there



have been no substantial changes to the project and no substantial changes in project circumstances that would require major revisions to the MND and Addenda due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND and Addenda nor has the Energy Commission identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect approving 005-23-ECI would have on the environment; and

**FURTHER BE IT RESOLVED**, Town has already adopted the mitigation measures recommended in the MND and Addenda, has authority to implement the mitigation measures, or to seek any required approvals for the mitigation measures, and such measures are within the responsibility of Town and that the Energy Commission finds, on the basis of the entire record before it, that the mitigation measures incorporated in the MND and Addenda will eliminate or mitigate the environmental impacts of the Project to less than significant levels; and

**FURTHER BE IT RESOLVED**, that the Energy Commission approves Agreement 005-23-ECI with Town of Yucca Valley for \$2,500,000; 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 November 8, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

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Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Wheatland 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 014-23-ECG with Wheatland School District for a \$1,110,520 ECAA-Ed loan at zero percent interest. This loan will finance installation of a 72.9 kW carport mounted solar PV system at one site and upgrade lighting to LED at three sites in Yuba County. The project is estimated to reduce 209,465 kWh of annual grid electricity consumption, saving approximately \$63,267 in utility costs per year. The simple payback period is 17.6 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 November 08, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**  
  
**RESOLUTION ADOPTING REGULATIONS (23-OIR-02)**

**WHEREAS**, on September 22, 2023, the California Energy Commission (CEC) posted on the CEC website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC’s intent to adopt proposed regulations amending the CEC’s procedures related to business meetings and requests for rulemakings, 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 September 22, 2023, the NOPA was published in the California Regulatory Notice Register, and delivered to the Secretary of the California Natural Resources Agency; and

**WHEREAS**, each of these documents and notices were provided to every person on the CEC’s Rulemaking on Procedural Changes subscription list and to every person who had requested notice of such matters and were posted to the 23-OIR-02 docket; and

**WHEREAS**, on November 6, 2023, the 45-day written comment period established by the NOPA closed; and

**WHEREAS**, on November 7, 2022, the CEC held a public hearing to receive comments on the proposed regulations;

**WHEREAS**, on September 22, 2023, the CEC provided notice designating November 8, 2023, as the date for the business meeting to consider adoption of the proposed regulations; and

**WHEREAS**, on November 8, 2023, the CEC considered adopting the proposed regulations at its business meeting and adopted the proposed regulations as published on September 22, 2023.

**THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:**

With regard to CEQA:

- The CEC has considered the application of CEQA to the proposed regulations and concluded that the proposed regulations are not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a

physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, adoption is exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); 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; and
- The proposed regulations 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 any state agencies, 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 they are 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
- The proposed regulations will not require completion of any new report; and

- None of the comments received during the comment period, at the public hearing on November 7, 2023, or at the business meeting on November 8, 2023, and nothing else in the record, justified any changes to the proposed regulations as published on September 22, 2023.

**THEREFORE, BE IT RESOLVED**, that, based on the entire record before it, the CEC finds that the proposed regulations are not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a direct physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, adoption is exempt from the CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); 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 amendments to its procedures related to business meetings and requests for rulemakings, as set forth in the Express Terms that were published on September 22, 2023. The CEC takes this action under the authority of Public Resources Code Sections 25210, 25213, and 25218(e), which authorizes the CEC to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code Sections 25210 and 25214.

**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 No. 23-OIR-02](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OIR-02), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OIR-02>; 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 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 filing a notice of exemption with the Office of Planning and Research.

**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 November 8, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: The Candide Group, 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 an amendment to agreement EPC-21-040, for a novation changing the grant recipient from Pyro-E, Inc., a California corporation, to The Candide Group LLC., a Delaware limited liability company registered with the California Secretary of State in September 2023. All aspects of the grant project including the project team, scope of work, project schedule, deliverables, budget, and terms and conditions will remain the same. This \$1,548,602 grant funds deployment of a novel auto-modulating power source (AMPS) device that will demonstrate water and cost savings across approximately 150 affordable housing units in 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 November 08, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Battelle Memorial Institute dba Battelle Pacific Northwest Division**

**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 600-23-003 with Battelle Memorial Institute dba Battelle Pacific Northwest Division, manager and operator of the U.S. Department of Energy's Pacific Northwest National Laboratory, for a \$979,000 contract to design and build a system to determine circuit-specific clustered electric vehicle (EV) charging load using forecasted adoption rates for individual grid system components in several utility territories 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 November 08, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
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 CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves agreement 400-23-002 with Guidehouse Inc. for a \$248,876 contract to provide technical support for developing a federal application management plan, memorandum to inform the development of a report to the Legislature, and materials to inform federal funding applications as required by Senate Bill 1112 (Becker, Chapter 834, Statutes of 2022), pending the Department of General Services' approval of agreement 400-23-002; 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 November 08, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**IN THE MATTER OF:**

***Lafayette Backup Generating Facility***

**Docket No.: 20-SPPE-02**

**ORDER CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT  
AND GRANTING THE SMALL  
POWERPLANT EXEMPTION**

**I. BACKGROUND**

Under the Public Resources Code, the California Energy Commission (CEC) has the exclusive jurisdiction to approve or deny applications for the construction and operation of thermal powerplants that have the capacity to generate 50 megawatts (MW) or more of electricity. Public Resources Code section 25541 creates an exemption to this exclusive jurisdiction whereby local permitting entities would obtain jurisdiction over the approval of the site and related facility if, among other criteria, the site and related facility would not generate more than 100 MW of electricity. This exemption is referred to as a Small Power Plant Exemption (SPPE).

The CEC may grant an SPPE for a thermal powerplant with a generating capacity from 50 MW to 100 MW if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility. Moreover, Public Resources Code section 25519(c) designates the CEC as the “lead agency” under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for SPPE applications.

Digital Realty is seeking an SPPE for the Lafayette Backup Generating Facility (LBGF) project (20-SPPE-02). The LBGF would include the Lafayette Data Center, a new distribution substation, surface parking, and landscaping, which together constitute the “project” under CEQA. The generating facility would consist of 44 3-MW diesel-fired backup generators and one 0.8-MW emergency generator to provide up to 99.8 MW of uninterruptible power to the data center in the event electricity cannot be supplied from Silicon Valley Power.

## **II. EXECUTIVE DIRECTOR'S RECOMMENDATION**

California Code of Regulations, title 20, section 1942 requires the Executive Director to recommend findings to the CEC on whether the application meets the requirements of Public Resources Code section 25541. Based on the SPPE application, CEC staff's Final Environmental Impact Report (FEIR) and other information filed in the proceeding, the Executive Director recommends the CEC find that the requirements of Public Resources Code section 25541 are met, that the FEIR be certified, and that the SPPE application be granted.

## **III. ENERGY COMMISSION FINDINGS**

Based on the exercise of our independent judgment and review, and considering the record as a whole, we hereby adopt the following findings pursuant to Public Resources Code sections 21000 et seq. and 25541, and applicable implementing regulations:

1. The generating capacity of the project will not exceed 100 megawatts.
2. The construction and operation activities of the project will not create a substantial adverse impact on the environment.
3. The construction and operation activities of the project will not create a substantial adverse impact on energy resources.
4. The FEIR has been prepared in compliance with the California Environmental Quality Act and thoroughly and adequately analyzes potential environmental and energy resources impacts.
5. The imposition and implementation of the mitigation measures will ensure that the project will not have any significant environmental impacts.
6. The Mitigation Monitoring and Reporting Program (MMRP) set forth in Section 7 Mitigation Monitoring and Reporting Program of the FEIR, and the agreement by the City of Santa Clara to serve as the enforcement agency for the MMRP will ensure that the project complies with all requirements in the MMRP.

## **IV. CONCLUSION AND ORDER**

Therefore, we order the following:

1. We hereby CERTIFY the Final Environmental Impact Report and that the requirements of California Code of Regulations, title 14, section 15090(a) have been met.
2. We hereby ADOPT, and incorporate by reference, the MMRP for the project that is set forth in Section 7 Mitigation Monitoring and Reporting Program of the FEIR, to be overseen by the City of Santa Clara.

3. The SPPE application is GRANTED exempting the Lafayette Backup Generating Facility from the Application for Certification provisions of the CEC's power plant licensing process. This Order is adopted, issued, effective, and final on November 8, 2023.

4. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of November 8, 2023, subject to Applicant paying all applicable filing fees.

**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 November 8, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**IN THE MATTER OF:**

***Bowers Backup Generating Facility***

**Docket No.: 22-SPPE-01**

**ORDER CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT  
AND GRANTING THE SMALL  
POWERPLANT EXEMPTION**

**I. BACKGROUND**

Under the Public Resources Code, the California Energy Commission (CEC) has the exclusive jurisdiction to approve or deny applications for the construction and operation of thermal power plants that have the capacity to generate 50 megawatts (MW) or more of electricity. Public Resources Code section 25541 creates an exemption to this exclusive jurisdiction whereby local permitting entities would obtain jurisdiction over the approval of the site and related facility if, among other criteria, the site and related facility would not generate more than 100 MW of electricity. This exemption is referred to as a Small Power Plant Exemption (SPPE).

The CEC may grant an SPPE for a thermal power plant with a generating capacity from 50 MW to 100 MW if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility. Moreover, Public Resources Code section 25519(c) designates the CEC as the “lead agency” under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for SPPE applications.

GI Partners is seeking an SPPE for the Bowers Backup Generating Facility (BBGF) project (22-SPPE-01). The project would include the Bowers Data Center, the BBGF, an electrical substation, and related utility infrastructure, which together constitute the “project” under CEQA. The project would be located at 2805 Bowers Avenue in Santa Clara. The generating facility would consist of 32 3-MW Tier 4 compliant diesel-fired emergency backup generators to provide up to 72 MW of backup emergency generation to the Bowers Data Center in the event electricity cannot be supplied from Silicon Valley Power.

## **II. EXECUTIVE DIRECTOR'S RECOMMENDATION**

California Code of Regulations, title 20, section 1942 requires the Executive Director to recommend findings to the CEC on whether the application meets the requirements of Public Resources Code, section 25541. Based on the SPPE application, CEC staff's Final Environmental Impact Report (FEIR) and other information filed in the proceeding, the Executive Director recommends the CEC find that the requirements of Public Resources Code, section 25541 are met, that the FEIR be certified, and that the SPPE application be granted.

## **III. ENERGY COMMISSION FINDINGS**

Based on the exercise of our independent judgment and review, and considering the record as a whole, we hereby adopt the following findings pursuant to Public Resources Code, sections 21000 et seq. and 25541, and applicable implementing regulations:

1. The generating capacity of the project will not exceed 100 megawatts.
2. The construction and operation activities of the project will not create a substantial adverse impact on the environment.
3. The construction and operation activities of the project will not create a substantial adverse impact on energy resources.
4. The FEIR has been prepared in compliance with the CEQA and thoroughly and adequately analyzes potential environmental and energy resources impacts.
5. The imposition and implementation of the mitigation measures will ensure that the project will not have any significant environmental impacts.
6. The Mitigation Monitoring and Reporting Program (MMRP), set forth in Section 7 Mitigation Monitoring and Reporting Program of the FEIR, and the agreement by the City of Santa Clara to serve as the enforcement agency for the MMRP, will ensure that the project complies with all requirements in the MMRP.

## **IV. CONCLUSION AND ORDER**

Therefore, we order the following:

1. We hereby CERTIFY the Final Environmental Impact Report and that the requirements of California Code of Regulations, title 14, section 15090(a) have been met.
2. We hereby ADOPT, and incorporate by reference, the MMRP for the project that is set forth in Section 7 Mitigation Monitoring and Reporting Program of the FEIR, to be overseen by the City of Santa Clara.

3. The SPPE application is GRANTED exempting the Bowers Backup Generating Facility from the Application for Certification provisions of the CEC's power plant licensing process. This Order is adopted, issued, effective, and final on November 8, 2023.

4. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of November 8, 2023, subject to Applicant paying all applicable filing fees.

**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 November 8, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: Institute of Gas Technology dba GTI Energy**

**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-23-018 with Institute of Gas Technology dba GTI Energy for a \$2,775,570 grant to develop energy-efficient and grid-interactive zero carbon manufactured homes. These homes will meet the 2022 Title 24 Building Energy Efficiency Standards, exceeding the current U.S. Department of Housing and Urban Development standards that apply to manufactured homes. The homes will incorporate insulation and sealing technologies to create a highly efficient envelope, utilize building materials with enhanced fire resistance, and implement on-site PV generation and battery energy storage; 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 November 8, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: November 9, 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-23-019 with Lawrence Berkeley National Laboratory for a \$5,000,000 grant to design and build advanced modular homes in Bay Point in Contra Costa County, a disadvantaged community. The demonstration project will consist of three townhome units on a single site and include solar and energy storage, advanced high efficiency electric heat pump equipment, and a lower cost of ownership over ten years than typical modular homes; 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 November 8, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: ReMo Homes 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-23-020 with ReMo Homes, Inc. for a \$2,967,608 grant to develop, test, and demonstrate zero-carbon or near zero-carbon, cost-effective, modular, and manufactured homes that can be readily deployed. Research and development of the prefabricated homes will integrate advanced energy efficiency and renewable energy features addressing home affordability, and will also create resilient, zero-carbon energy efficient prefabricated homes; 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 November 8, 2023.

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

Dated: November 9, 2023

**SIGNED BY:**

\_\_\_\_\_  
Kristine Banaag  
Secretariat