

DOCKETED

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| Docket Number: | 23-OPT-01 |
| Project Title: | Fountain Wind Project |
| TN #: | 259336 |
| Document Title: | County of Shasta's Comments on Emergency Regulations for Opt-in Reimbursement |
| Description: | N/A |
| Filer: | Kari Cameron |
| Organization: | County of Shasta |
| Submitter Role: | Public Agency |
| Submission Date: | 9/27/2024 3:17:43 PM |
| Docketed Date: | 9/27/2024 |



Ryan M. F. Baron
Partner
(949) 263-6568
ryan.baron@bbklaw.com

September 27, 2024

VIA E-FILING DOCKET 23-OPT-01

California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Comments and Response on Emergency Rulemaking Amending the Opt-In Regulations to Add Reimbursement Procedures for Local Agencies

Dear Docket Unit:

Best Best & Krieger LLP represents the County of Shasta (“County”) in the Fountain Wind Project proceeding and in Docket 24-OIR-02, the emergency rulemaking amending the opt-in regulations to add reimbursement procedures for local agencies. We are submitting the following document in this docket to ensure the development of a robust administrative record:

1. The County’s comments on Emergency Rulemaking re Reimbursement Procedures, dated September 17, 2024 (TN 259199).

Thank you.

Respectfully,



Ryan M. F. Baron
of BEST BEST & KRIEGER LLP

| DOCKETED | |
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| Docket Number: | 24-OIR-02 |
| Project Title: | Emergency Rulemaking Amending the Opt-In Regulations to Add Reimbursement Procedures for Local Agencies |
| TN #: | 259199 |
| Document Title: | Shasta Co Comments on Emergency Rulemaking re Reimbursement Procedures |
| Description: | Shasta County's comments on emergency rulemaking re opt-in regulations to add reimbursement procedures for local agencies |
| Filer: | Kari Cameron |
| Organization: | Best Best & Krieger |
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Ryan M. F. Baron
Partner
(949) 263-6568
ryan.baron@bbklaw.com

File No. 55398.00043

September 17, 2024

VIA E-FILING DOCKET 24-OIR-02 (CEC)
VIA E-MAIL STAFF@OAL.CA.GOV (OAL)

Drew Bohan
Executive Director
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: *CEC Docket 24-OIR-02: County of Shasta Comments on Emergency Rulemaking Amending the Opt-In Regulations to Add Reimbursement Procedures for Local Agencies (OAL File No. 2024-0912-02)*

Dear Mr. Bohan and OAL Agency Staff:

The County of Shasta (“County”) hereby files the following comments on the California Energy Commission’s (“Commission”) *Emergency Rulemaking Amending the Opt-In Regulations to Add Reimbursement Procedures for Local Agencies* (Docket 24-OIR-02).¹ The County is submitting these comments concurrently on the Office of Administrative Law within the five calendar day requirement for emergency regulations and for consideration in connection with the emergency regulation review.² Comments are also being transmitted to the Commission’s contact person for the emergency regulation filing, as designated on Form 400.

All comments and legal arguments by the County in Docket 23-OPT-01 and other filings and Commission submittals cited in these comments are incorporated by reference as if fully set forth herein and are done so to provide background and demonstrate that the Commission’s emergency regulation is in conflict with applicable law.

¹ The County has challenged the Commission’s jurisdiction over the Fountain Wind Project and has filed a standing reservation of rights in Docket 23-OPT-01. TN252439, County of Shasta Reservation of Rights (Sept. 28, 2023). The County’s participation in Docket 24-OIR-02 does not in any way waive or relinquish its right to challenge the Commission’s jurisdiction by virtue of filing comments in this proceeding, and fully incorporates such reservation herein.

² 1 C.C.R. § 55(b)(1)-(4).

I. Background on Assembly Bill 205 and the County's Cost Reimbursement Request for Review and Comment on the Fountain Wind Project

Assembly Bill ("AB") 205 was signed into law by the California Governor on June 30, 2022 providing the Commission with opt-in certification authority upon the filing of an application to certify a site and related facility for certain renewable energy facilities.³ AB 205 was enacted as part of the 2022 state budget as a so-called "budget trailer bill."⁴ Budget trailer bills are meant to supplement the main budget act by enacting corresponding changes in the State code. In the past several years, however, budget trailer bills have begun to include more sweeping and impactful policy changes that are only loosely connected to the budget, thereby circumventing the typical legislative process and drawing critiques as undemocratic. Since budget trailer bills are negotiated behind closed doors, there is typically "no documented legislative history or intent available," and a court must rely on "the language of the bill itself" when interpreting legislative intent.⁵

AB 205 was introduced in the Assembly on January 8, 2021 with the generic placeholder language: "It is the intent of the Legislature to enact statutory changes relating to the Budget Act of 2021." On June 26, 2022, in the Senate Committee on Budget and Fiscal Review, the "opt-in" provision of the bill was proposed to allow specified clean energy projects to seek consolidated permitting at the Commission by June 30, 2029, if they adhere to specified labor standards[.]⁶ Bill analyses around that time summarized what the bill would do as to a new opt-in permitting program at the Commission.⁷ Although the overall bill summary was that AB 205 was making "necessary changes to implement the energy related items of the 2022 Budget Act," no other budgetary analysis or items were described in the opt-in permitting legislative materials or the legislative text itself except to consolidate permitting and accelerate clean energy projects.⁸ *In fact, there was absolutely no discussion of the opt-in permitting program and no findings were made regarding the acceleration of clean energy projects or why Commission regulations adopted pursuant to AB 205 were to be adopted on an emergency basis such that there was an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest.* There was also no discussion or findings as to why the Administrative Procedure Act ("APA") was effectively overridden by directing the Office of Administrative Law to consider Commission AB 205 opt-in permitting regulations as an emergency. Despite the abandonment of the conventional legislative process and the lack of the required legal findings, the bill was signed into law by the Governor on June 30, 2022. Only four days passed between the public proposal of

³ Pub. Res. Code § 25545 *et seq.*

⁴ The County has provided extensive comments to the Commission on the adoption of AB 205 as a budget trailer bill. TN251601, *Shasta County Opposition to AB 205 Jurisdiction and Objection to Notice of Completion Request*, at 5-8, Docket 23-OPT-01 (Aug. 11, 2023).

⁵ *California Hosp. Ass'n v. Maxwell-Jolly*, 776 F. Supp. 2d 1129, 1138 (E.D. Cal. 2011).

⁶ 2021 CA A.B 205 (NS), *California Committee Report*, Senate Committee on Budget and Fiscal Review (June 26, 2022).

⁷ California Bill Analysis, Third Reading, Office of Senate Floor Analyses, Senate Rules Committee (June 26, 2022); California Bill Analysis, Concurrence in Senate Amendments, Assembly Floor (June 26, 2022); Concurrence in Senate Amendments, Committee on Budget and Fiscal Review (June 28, 2022).

⁸ Third Reading, Office of Senate Floor Analyses, Senate Rules Committee (June 29, 2022).

any substantive language in AB 205 and its enactment and the preemption of local governments from siting certain renewable energy projects.

Under AB 205, upon receipt of an opt-in application, the Commission purportedly has exclusive power to certify the site and facility.⁹ According to AB 205, if the Commission issues a certificate for the facility, that approval is *in lieu* of any permit required by any state, local or federal agency and supersedes any applicable statute, ordinance or regulation of another agency, except in certain circumstances.¹⁰ Prior to the enactment of AB 205, renewable energy facilities that now qualify for Commission opt-in review were under the exclusive permitting authority of local governments having land use and related jurisdiction except for those federal and state agency permits required by applicable resource agencies. As a condition of usurping local control, the California Legislature recognized that AB 205 created a state-mandated program by requiring the Commission to forward the opt-in application to the local government with land use authority, which is required to review and comment on it, and reimburse the local government for its review and comments.

“The bill would require the Energy Commission to forward the application to a local government having land use and related jurisdiction in the areas of the proposed site and related facility and would require the local agencies to review the application and submit comments on the application, as provided, thereby imposing a state-mandated local program. The bill would authorize local agencies to request a fee from the Energy Commission to reimburse the local agency for the actual and added costs of the review by the local agency.”¹¹

In implementing the California Legislature’s mandate that a local government with land use authority over the facility review, submit comments on, and receive reimbursement for its review and comments, Public Resources Code Section 25545.8 expressly requires the Commission to follow certain other statutes governing local government review and reimbursement. Public Resources Code Section 25519 requires the Commission to forward the application to the local government agency having jurisdiction over the site and facility and requires the agency to “review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.”¹² Section 25519 also requires the Commission to transmit a copy of the application “to any governmental agency . . . which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency.” Upon receiving the Commission’s request for review, the local government may request reimbursement from the Commission for the actual and

⁹ Pub. Res. Code § 25545.1(a).

¹⁰ Pub. Res. Code § 25545.1(b)(1)-(3).

¹¹ AB 205, Legislative Counsel’s Digest.

¹² Pub. Res. Code § 25519(f).

added costs of its review as well as for permit fees the local government would have normally received but for the Commission's certification process.¹³

The Commission's opt-in certification authority under AB 205 is modeled on the Commission's authority to exclusively review certain energy facilities under its Application for Certification authority (*i.e.*, certain eligible thermal energy projects), which authority was first provided to the Commission under the Warren-Alquist Act in 1974 through Public Resources Code Section 25500. At that time, Public Resources Code Sections 25519 and 25538 were also enacted recognizing that Commission applications be provide to local governments with land use authority and that such local governments were required to review and comment on the application and could submit a reimbursement request. Later on, pursuant to its Public Resources Code obligations, the Commission established procedures for the reimbursement of local governments, which was codified in the California Code of Regulations ("C.C.R.") at Title 20, section 1715, and effective on February 1, 1983. Since adoption of section 1715, a review of Commission proceedings indicates that only two local governments have ever requested reimbursement under section 1715's procedures.¹⁴ The Commission never acted on those requests although the parties in one proceeding indicated that they withdrew the dispute and settled out of the proceeding.¹⁵

On January 11, 2023, Fountain Wind LLC's opt-in application under AB 205 was effectively received by the Commission for review. Pursuant to AB 205, the County was required to review and comment on the application. After discussion with and at the direction of Commission staff at a July 2023 meeting, the County filed a reimbursement request pursuant to section 1715.¹⁶ In accordance with section 1715's requirement that the Commission respond to a local government request within 10 days, the Commission summarily objected to the County's entire request.¹⁷ Although the substance or basis for the objection is not the subject of the County's comments herein, the County notes that in the objection, the Commission expressly found that section 1715 applied to the County's reimbursement and that portions of that section prevented reimbursement and that the County needed to either withdraw or re-submit its request.¹⁸ In October 2023, the County responded to the Commission's objection detailing its legal rights to

¹³ Pub. Res. Code § 25538.

¹⁴ The Southern Inyo Fire Protection District appears to have submitted a *Request for Cooperative Reimbursement Agreement; Southern Inyo Fire Protection District* on May 17, 2012 in an Application for Certification (11-AFC-2), Docket 11-AFC-2, TN61960 (May 17, 2012). Despite a thorough review of the Commission's docket for 11-AFC-2, filing a Public Records Act request, and requesting the document directly from the Commission, the County has been unable to locate Southern Inyo Fire Protection District's reimbursement request. However, in its response to Southern Inyo Fire Protection District's reimbursement request, the applicant in that proceeding stated that the request was dated May 17, 2012. *Hidden Hills Solar Electric Generating System (11-AFC-2): Response to "Request for Cooperative Reimbursement Agreement; Southern Inyo Fire Protection District" by William Ross, Pursuant to 20 C.C.R. § 1715, 11-AFC-2, TN65480* (May 29, 2012). Likewise, the City of Pittsburg also submitted for reimbursement under section 1715. *In the Matter of Willow Pass Generating Station Project Application for Certification, Docket 08-AFC-06* (Nov. 7, 2008).

¹⁵ TN61960, *Joint Recommendation and Request of Southern Inyo Fire Protection District and the Applicant Regarding Pending Request Pursuant to 20 C.C.R. § 1715*, Docket 11-AFC-2 (May 30, 2012).

¹⁶ TN251628, *Shasta County CEC Cost Reimbursement Request*, at 3-5, Docket 23-OPT-01 (Aug. 15, 2023).

¹⁷ TN251926, *Objection to Shasta County's Reimbursement Request*, Docket 23-OPT-01 (Aug. 25, 2023).

¹⁸ *Id.* at 1, 3-6.

reimbursement and the inadequacy of the objection and its unlawfulness under the California Constitution, Public Resources Code sections 25519 and 25538 and 20 C.C.R. section 1715.¹⁹ In November 2023, the County re-submitted a revised reimbursement request providing supplemental information and analysis. At that time, the County requested clarification whether the Commission's reimbursement procedure at section 1715 even applied or whether it was arbitrarily omitted from the Commission's Article 4.1 opt-in regulations.²⁰ No such clarification was provided by the Commission; however, the Commission approved certain eligible activities as reimbursable but failed to establish a budget as required by section 1715. In December 2023, the project applicant, Fountain Wind LLC, filed a blanket objection to the County's reimbursement request pursuant to section 1715(c)(4) providing an extensive discussion of why the County's proposed budget did not comply with section 1715. After the applicant's objection was filed, the Commission, again, failed to clarify if section 1715 applied despite its August 2023 docketed letter that it did.

Based on the applicant's objection, the County requested formal dispute resolution under section 1715(e) in January 2024.²¹ The Commission did not act on the request, issue any formal or informal response in the 23-OPT-01 docket or otherwise, and has not to-date clarified whether section 1715 applied or has commented on or walked back its August 2023 objection stating that it did apply. In fact, in Commission staff's September 12, 2024 presentation on this item at the Commission Business Meeting, there was no discussion on the applicability of section 1715 or whether it or the newly adopted section 1878.1 applied to previously submitted reimbursement requests. On August 30, 2024, the County submitted an invoice for reimbursement in the amount of 152,631.98.²²

II. The Adoption of Section 1878.1 Is Not An Emergency Or Necessary for the Immediate Preservation of the Public Peace, Health, Safety or General Welfare

Section 1878.1 concerns the reimbursement of local agencies in a Commission opt-in proceeding whereby the local agency with underlying discretionary authority for the proposed facility is required to review and comment on an opt-in application and be reimbursed for such actions in accordance with Public Resources Code sections 25519(f) and 25538. Although AB 205 through Public Resources Code section 25545.12 authorizes the Commission to adopt emergency regulations to implement the opt-in certification program, a clarifying procedure for local government reimbursement is not necessary for the immediate preservation of the public peace, health, safety, or general welfare. Furthermore, there is no demonstration or other findings supported by substantial evidence in either AB 205 or the Commission's emergency regulation materials that shows the existence of an emergency and the need for immediate action or that the issue of local government reimbursement clearly poses such an immediate serious harm that

¹⁹ TN251628, *County of Shasta Response to Staff Objection to County's Request for Reimbursement and Itemized Budget*, Docket 23-OPT-01 (Oct. 19, 2023).

²⁰ TN253120, *County of Shasta CEC Revised Reimbursement Request*, at 2-3, Docket 23-OPT-01 (Nov. 14, 2023).

²¹ TN254168, *County of Shasta's Request for Formal Dispute Resolution and Written Order per 20 CCR § 1715(e)*, Docket 23-OPT-01 (Jan. 26, 2024).

²² County of Shasta Invoice Reimbursement (Aug. 30, 2024).

delaying action to allow public comment would be inconsistent with the public interest.²³ The regulations should have been implemented, if at all, through the traditional notice and public comment period of the Administrative Procedure Act and the Commission has the authority to do so, notwithstanding Public Resources Code section 25545.12.

The Notice of Proposed Emergency Action (“NOPA”) and the accompanying Resolution No. 24-0911-06 (“Resolution”) solely rely on Public Resources Code section 25545.12 as the statutory basis to implement section 1878.1 as an emergency regulation. Although the NOPA under the Finding of Emergency describes the new opt-in process, there is no discussion or other findings made as to why this regulation as a local government reimbursement procedure immediately preserves the public peace and health and safety or the other required emergency findings necessary for such a regulation. In fact, the NOPA and Resolution make certain findings regarding AB 205 as to meeting state carbon targets and supporting grid reliability that are not made in AB 205 itself or the legislative materials due to its passage as a budget trailer bill and the time period by which it was enacted.²⁴

Pursuant to Government Code section 11346.1, any finding of emergency must include a written statement of information required by Government Code section 11346.5(a)(2)-(6) and a description of the specific facts demonstrating the existence of an emergency and the need for immediate action, and demonstrating, by substantial evidence, the need for the proposed regulation as an emergency. Such finding cannot be made based on expediency, convenience, best interest, general public need, or speculation. If the situation was known to the agency in sufficient time, the regulation should be addressed as a non-emergency regulation so that the public has the proper time to review and comment on the regulation and such reduced comment period (5 days) is not inconsistent with the public interest.²⁵

The County appreciates the Commission taking the interests of local governments seriously and recognizing their review and comment obligations on opt-in applications where local government discretionary authority is overridden and preempted. However, as discussed above, the County, as far as it can tell through Commission docket research, is only the third local government in the history of Public Resources Code section 25538 and section 1715 to file a reimbursement budget and the first local government to actually submit reimbursable invoices. The Commission and the project applicant have both relied on section 1715 in addressing the County’s reimbursement request. The County has been seeking clarification on the use of section 1715 for nearly one year, including the filing of a dispute resolution request some 9 months ago. The issue of local government reimbursement has already been addressed by the Commission. To

²³ Gov. Code §§ 11346.1(b) and 11349.6(b); Pub. Res. Code § 25545.12.

²⁴ To the extent the NOPA relies on AB 205 for its emergency basis, the following description of facts contained on page 7 of the NOPA is not reflective of the legislative findings: “The following description of facts demonstrates the need for the proposed regulations to effectuate the provisions of Chapter 6.2 of Division 15 of the Public Resources Code being implemented, interpreted, or made specific and to address the demonstrated emergency. The emergency regulations support and effectuate the purpose of addressing climate change and grid reliability by expediting the certification of renewable energy and energy storage facilities, and facilities that manufacture those systems and components.”

²⁵ Gov. Code § 11349.6(b); see also *Western Growers Assoc. v. OSHA*, 73 Cal. App. 5th 916, 935 (2021).

the extent it is seeking to clarify the regulation now, the issue has been known to the agency for some time. Therefore, there is no emergency, but instead, the regulation is adopted out of convenience. There is no basis in the record as for the need for the new section 1878.1 or why it should mirror section 1715 (with differences), and there is no discussion or options provided in the agenda materials for why the Commission could not have simply amended section 1715 if it believed that it did not apply to opt-in proceedings. *Presumably, the only reason is that the Commission would have had to go through the formal notice and comment process to amend section 1715 to apply to opt-in proceedings but chose not to do so.*²⁶

III. Section 1878.1 Is Duplicative of the Commission’s Existing Regulation at Section 1715

The Commission has acknowledged the application of section 1715 to opt-in projects with respect to the County’s reimbursement request. Yet, after several clarification requests, the Commission is now saying for the first time that the new section 1878.1 is needed. Section 1878.1, however, duplicates section 1715 in most areas, which is expressly stated in the NOPA and Resolution. Therefore, it is unclear why the regulation materials contain a non-duplication discussion.

IV. Section 1878.1 Arbitrarily Limits Certain Local Government Reimbursement and Unreasonably Differentiates Such Reimbursement Between Opt-In and AFC Proceedings

In those areas not duplicated, section 1878.1 arbitrarily implements different clarification for opt-in applications than those thermal Application for Certification (“AFC”) applications. Rather than adopting one regulation for all energy facility proceedings, that is, amending section 1715 to harmonize it with the new opt-in procedures, the Commission duplicates an existing procedure while those areas it “clarifies” and expands upon are now vague or unreasonably differentiate between local governments depending on which type of proceeding they are in.

Section 1878.1(a)(1) governs the costs eligible for reimbursement. Although many of the costs are duplicated from the corresponding section 1715, subsection (a)(1)(B) now prevents reimbursement for expenses incurred prior to a request for Commission review. This limitation is not included in section 1715(a)(1)(B).

Section 1878.1(b) governs the costs that are ineligible for reimbursement and limits costs “associated with the presentation or defense of positions not reasonably related to the matters which the agency is requested to review . . .” However, unlike section 1715, section 1878.1(b)(1)-(3) now clarifies that certain attorney’s fees and costs associated with advocating for or against Commission approval are excluded from reimbursement. Existing Commission regulation at section 1715 expressly allows reimbursement for the presentation of positions related to the local government’s review and within the local government’s expertise; however, the local government

²⁶ In addition, there was also no discussion at the Commission Business Meeting adopting section 1878.1 that section 1715 would be amended in the future to fully mirror the new section 1878.1.

cannot now recover costs from its in-house or outside legal counsel if the presentation or defense of positions is considered “advocating.” This is nonsensical. There are numerous areas of the opt-in certification process that are legal findings or that would be properly commented on by the local agency’s counsel, such as whether a community benefits plan or agreement meets the findings required by AB 205 or whether the Commission can find that the proposed project meets the public convenience and necessity, which latter finding has been opined on extensively by the Commission’s Chief Counsel’s office.²⁷ This in effect eliminates the ability for local government to use the effective assistance of legal counsel in reviewing and preparing opt-in application comments and assisting with the presentation or defense of positions in response to a request for review and within the subject matter expertise of the local agency. In addition, the regulation is unclear as to what “advocating” means and does not define it thus muddying the waters on how “advocacy” is different from the “presentation of positions or defenses.” Although section 1715 expressly excludes reimbursement for “advocating a position as a formal intervenor,” the only time the term “advocating” has been used in the 23-OPT-01 docket is with respect to comments by Fountain Wind LLC, *through legal counsel*, arguing that the County’s reimbursement request “appears to include most if not all the County’s projected costs in participating in the Commission’s process and *advocating* against certification.”²⁸ The Commission did not clarify, however, in its November 2023 budget approval or subsequently what this term means exactly yet adopts it wholesale.²⁹

Lastly, section 1878.1(e) governs the process reconciliation of budget and invoice disputes. Rather than assign the dispute to a committee, subsection (e) would provide the Executive Director with such authority. The NOPA states that section 1715(e) could apply to an opt-in proceeding as the Commission has the authority to empanel a committee but that this process is cumbersome. While the County appreciates the Commission’s concern for expeditious cost reimbursement resolution, the County again notes that it filed a request for dispute resolution under section 1715 in January 2024 due to the applicant’s budget objection and to-date, the Commission has not responded to the request. If the Commission is concerned with cumbersomeness and delay, it should have clarified, and should clarify now, if section 1715 applies to the County’s request, which pre-dates section 1878.1, and it should have acted on the dispute resolution request. Instead, the Commission is adopting a new regulation nine months later.

²⁷ See., e.g., *State’s Brief on Override Issues*, Docket 06-AFC-6 (Dec. 7, 2007).

²⁸ TN253590, *FWP Letter – Objections to Shasta County Reimbursement Request*, at 1 (Dec. 12, 2023) (emphasis added). In fact, numerous references are made against the County as “advocating” with no other indicative facts or clarification in the new regulation as to what this entails. *Id.* at 2, fn 2, 5, 8, 9 and 11.

²⁹ If the County provides comments on an issue within its expertise and therein suggests that the project should not be approved on that basis, is that advocacy? Is it advocacy if the County previously denied the project based on health and safety findings, as is the case with the Fountain Wind Project, and provides the same comments that the AB 205 findings cannot be met based on those same findings? If a state agency that otherwise has permitting authority recommends to the Commission that certain permits could not be issued based on the application filings, is that advocacy? It would seem that the Commission had it correct under section 1715 when it allowed the presentation of defenses or positions but did not try to differentiate between advocacy and non-advocacy or the type of professional submitting the presentation or defense.

V. Section 1878.1 Imposes Direct Costs on Local Agencies

In attempting to satisfy requirements of the Administrative Procedure Act, the Resolution finds that the proposed emergency regulation will not impose direct costs on local agencies. As discussed above, however, section 1878.1 does more than clarify existing regulations, it removes categories of reimbursable costs such as “advocacy” in an agency’s presentation or defense of positions by attorneys working for that agency. It also prohibits certain costs related to the review and comments process not expressly limited by section 1715. Therefore, local governments will be entitled to less reimbursable costs in an opt-in proceeding than in an AFC proceeding contrary to AB 205, and the Commission’s finding cannot be made.

VI. Conclusion

The County contends that section 1878.1 has been unlawfully adopted and does not meet the statutory requirements or findings necessary to constitute an emergency regulation or other findings required by the APA. The County requests the Commission clarify that section 1715 applies to the current budget and request before the Commission, amend section 1715 should there be inconsistencies due to the opt-in proceeding, and properly go through the formal notice and comment process required by the APA.

Sincerely,



Ryan M. F. Baron
of BEST BEST & KRIEGER LLP

RMB:pa

cc: Crystal Cabrera, CEC, crystal.cabrera@energy.ca.gov