

DOCKETED

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Filer:	Cody Goldthrite
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Docketed Date:	11/14/2019

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**EXECUTIVE DIRECTOR AUTHORITY
TO APPROVE SETTLEMENT
AGREEMENTS FOR OR OTHERWISE
RESOLVE AGREEMENT AUDIT
FINDINGS AND PERFORMANCE
ISSUES**

**ORDER AUTHORIZING EXECUTIVE
DIRECTOR ACTION ON AUDIT
FINDINGS AND PERFORMANCE
ISSUES**

The Executive Director and Energy Commission (CEC) staff can already take actions to resolve some issues that arise within CEC contracts, grants, and loans (agreements), including some audit findings. These actions include, but are not limited to, holding critical project reviews, issuing stop work orders, substituting invoiced expenses during the agreement term, executing certain amendments, and requesting repayment for audit findings of definite overbilled amounts.

This Order grants the Executive Director, or his or her designee, the authority to resolve more agreement performance issues, including audit findings, under the following criteria:

1. The matters at issue are not in litigation.
2. The CEC has no evidence of concealment, misrepresentation, or fraud by the funding recipient.
3. Except for item 8 below, the decision is made after consultation with the Audit Committee; Chief Counsel's Office; and for audit findings, the Audits, Investigation, and Program Review Office.
4. Recoupment efforts shall also be:
 - a. Based on a supportable amount; and
 - b. In conformance with, to the extent applicable, State Administrative Manual provisions for creating, collecting, and discharging accounts receivable.

For recoupment efforts, the Executive Director may sign mutual releases and waivers on the CEC's behalf if the proposed release and waiver language adequately protects the CEC and its officers, employee, and agents.

5. A decision not to recoup funds, and if appropriate, mutually terminate an agreement when despite best efforts, an agreement recipient fails to complete the agreement's scope of work, can be made if also:
 - a. The failure to finish the agreement's scope of work is through no fault of the funding recipient; and
 - b. The work actually completed by the funding recipient was done in accordance with agreement requirements.

6. A decision not to recoup funds, even if an agreement recipient does not appear to have used best efforts and fails to meet agreement requirements, can be made if also:
 - a. It is in the best interest of the Commission not to pursue recoupment of funds (e.g., it could cost much more to litigate than likely could be recovered); or
 - b. The amount at issue is not easily or clearly supportable.

7. In agreements that have ended, sometimes agreement recipients propose to substitute un-invoiced agreement costs for invoiced and CEC-reimbursed costs; such a substitution can be approved if also:
 - a. The substituted costs are expenses that would have been allowed to be reimbursed if invoiced during the agreement;
 - b. The substituted costs do not reduce the amount of any match funds required and provided under the agreement.

8. Approval of final invoices that do not match the agreement's budget can be made if also:
 - a. The total of all funds requested for CEC reimbursement do not exceed the CEC reimbursable agreement amount;
 - b. The expenses to be reimbursed are otherwise allowed under the agreement; and
 - c. The agreement recipient has met all of its requirements under the agreement, including the expenditure of any match funds.

CERTIFICATION

The undersigned Secretariat to the Commission 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: SEQUOIA UNION HIGH 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 ARV-19-071 with Sequoia Union High School District for \$1,317,956 to replace four old, diesel-powered school buses with four clean, all-electric school buses; and install supporting charging infrastructure; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: FALL RIVER 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 ARV-19-073 with Fall River Joint Unified School District for \$390,109 to replace one old, diesel-powered school bus with one clean, all-electric school bus; and install supporting charging infrastructure; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

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ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: ANAHEIM 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 a change to Agreement ARV-19-030 with Anaheim Elementary School District to increase the grant amount by \$390,109 and change the number of all-electric school buses and supporting charging infrastructure being funded from seven to eight; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

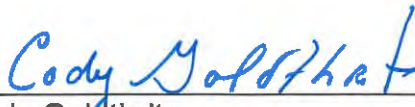
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Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: INGLEWOOD 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 a change to Agreement ARV-19-018 with Inglewood Unified School District to increase the grant amount by \$390,109 and change the number of all-electric school buses and supporting charging infrastructure being funded from two to three; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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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 14, 2019.

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ABSENT:

ABSTAIN:



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Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: DURHAM 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 a change to Agreement ARV-19-057 with Durham Unified School District to increase the grant amount by \$99,590 and change the all-electric school buses being funded from two Type A buses to two Type C buses; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: GARDEN GROVE 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 a change to Agreement ARV-19-035 with Garden Grove Unified School District to increase the grant amount by \$375,817, change the number of all-electric school buses and supporting charging infrastructure being funded from five to six, change bus types from Type D buses to Type C buses; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: UKIAH 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 a change to Agreement ARV-19-015 with Ukiah Unified School District to increase the grant amount by \$780,218 and change the number of all-electric school buses and supporting charging infrastructure being funded from two to four; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CHAWANAKEE 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 Amendment 1 to Agreement ARV-19-044 with Chawanakee Unified School District to increase the grant amount by \$397,470 and change the number of all-electric school buses and supporting charging infrastructure being funded from one to two; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AIR PRODUCTS AND CHEMICALS, 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-19-074 with Air Products and Chemicals, Inc. for a \$66,667 grant to cover operation and maintenance costs of the hydrogen refueling station located at 1819 Cloverfield Boulevard, Santa Monica, CA 90404; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

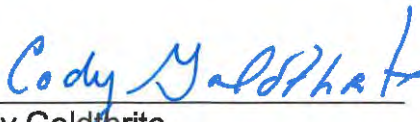
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AIR PRODUCTS AND CHEMICALS, 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-19-076 with Air Products and Chemicals, Inc. for a \$145,000 grant to cover O&M costs of the hydrogen refueling station located at 7751 Beverly Boulevard, Los Angeles, CA 90036; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

CERTIFICATION

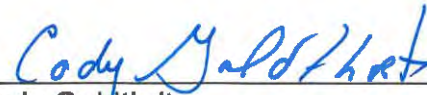
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AIR PRODUCTS AND CHEMICALS, 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-19-077 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover O&M costs of the hydrogen refueling station located at 15606 Inglewood Avenue, Lawndale, CA 90260; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AIR PRODUCTS AND CHEMICALS, 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-19-078 with Air Products and Chemicals, Inc. for a \$165,000 grant to cover O&M costs of the hydrogen refueling station located at 5314 Topanga Canyon Road, Woodland Hills, CA 91364; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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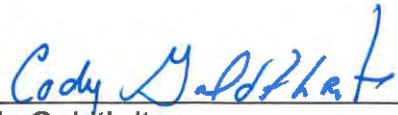
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: GEYSERS FACILITIES FIRE SYSTEM RECOMMISSIONING

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 700-19-003 with NV5, Inc. for a \$0 contract to provide delegate chief building official (DCBO) services for fire system recommissioning activities at the following Geysers facilities:

Geysers Unit 3, Sonoma (80-AFC-1C)
Geysers Unit 16, Quicksilver (79-AFC-5C)
Geysers Unit 17, Lake View (79-AFC-1C)
Geysers Unit 18, Socrates (79-AFC-3C)
Geysers Unit 19, Calistoga (81-AFC-1C)
Geysers Unit 20, Grant (82-AFC-1C)


NV5, Inc. will carry out design review and construction inspections on behalf of the Energy Commission. NV5, Inc., will be compensated by the project owner of the Geysers facilities, Geysers Power Company, LLC, for DCBO services; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the CEC.

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION FINDING SAN FRANCISCO PUBLIC UTILITIES COMMISSION'S
HETCH HETCHY POWER INTEGRATED RESOURCE PLAN CONSISTENT WITH
PUBLIC UTILITIES CODE SECTION 9621

WHEREAS, Public Utilities Code Sections 9621 and 9622 require specified local publicly owned electric utilities to adopt Integrated Resource Plans at least once every five years and submit them to the California Energy Commission; and

WHEREAS, Public Utilities Code Section 9622 requires that the California Energy Commission review the local publicly owned electric utilities' Integrated Resource Plans for consistency with the requirements of Section 9621, and to provide recommendations to correct deficiencies; and

WHEREAS, on February 27, 2019, San Francisco Public Utilities Commission (SFPUC) submitted an Integrated Resource Plan and supporting documentation (the IRP Filing); and

WHEREAS, on March 3, 2019, the Energy Commission notified SFPUC that the IRP Filing was complete, as described in the Publicly Owned Utilities' Integrated Resource Plan Guidelines adopted by the Energy Commission; and

WHEREAS, the Energy Commission posted the IRP Filing on its website for public comment and accepted comments for at least 30 days and did not receive any public comment; and

WHEREAS, on June 26, 2019, the Energy Commission Executive Director signed a letter informing SFPUC that he had determined the IRP Filing is consistent with the requirements of Public Utilities Code Section 9621, which was posted on the Energy Commission website along with a supporting staff paper on June 26, 2019 for a 45 day comment period; and

WHEREAS, the Energy Commission received one comment from SFPUC providing minor clarifications on the staff paper, in response to which the Energy Commission updated the staff report to reflect the clarifications; and

THEREFORE BE IT RESOLVED, that the Energy Commission adopts the determination of the Executive Director, that the IRP Filing is consistent with the requirements of Public Utilities Code Section 9621.

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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION FINDING MODESTO IRRIGATION DISTRICT INTEGRATED
RESOURCE PLAN CONSISTENT WITH PUBLIC UTILITIES CODE SECTION 9621

WHEREAS, Public Utilities Code Sections 9621 and 9622 require specified local publicly owned electric utilities to adopt Integrated Resource Plans at least once every five years and submit them to the California Energy Commission; and

WHEREAS, Public Utilities Code Section 9622 requires that the California Energy Commission review the local publicly owned electric utilities' Integrated Resource Plans for consistency with the requirements of Section 9621, and to provide recommendations to correct deficiencies; and

WHEREAS, on March 5, 2019, Modesto Irrigation District (Modesto) submitted an Integrated Resource Plan and supporting documentation (the IRP Filing); and

WHEREAS, on March 25, 2019, the Energy Commission notified Modesto that the IRP Filing was complete, as described in the Publicly Owned Utilities' Integrated Resource Plan Guidelines adopted by the Energy Commission; and

WHEREAS, the Energy Commission posted the IRP Filing on its website for public comment and accepted comments for at least 30 days and did not receive any public comment; and

WHEREAS, on June 28, 2019, the Energy Commission Executive Director signed a letter informing Modesto that he had determined the IRP Filing is consistent with the requirements of Public Utilities Code Section 9621, which was posted on the Energy Commission website along with a supporting staff paper on June 28, 2019 for a 45-day comment period; and

THEREFORE BE IT RESOLVED, that the Energy Commission adopts the determination of the Executive Director, that the IRP Filing is consistent with the requirements of Public Utilities Code Section 9621.

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 14, 2019.

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Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION

WHEREAS, on September 19, 2019, the Executive Director of the State Energy Resources Conservation and Development Commission (California Energy Commission) provided his recommendation, attached hereto as "Exhibit A," that the Commission:

(1) certify CalCERTS, Inc. as a Provider under the California Home Energy Rating System (HERS) Program, to administer the HERS provider program for HERS raters conducting Field Verification and Diagnostic Testing (FV & DT) for energy efficiency measures, as required by the *2019 Building Energy Efficiency Standards*, pursuant to Public Resources Code, section 25942, and California Code of Regulations, Title 20, sections 1670 et seq.; and

(2) certify CalCERTS' data registry as it meets the requirements of a residential data registry in section 10-109 and Joint Reference Appendix JA7, of the *2019 Building Energy Efficiency Standards*; and

WHEREAS, the October 14, 2019 Business Meeting was the first available meeting, after the Executive Director provided his recommendation, for the Energy Commission to consider this matter.

THEREFORE BE IT RESOLVED, that the Energy Commission confirms the Executive Director's findings, adopts his recommendation and:

(1) certifies CalCERTS as a HERS provider to administer the CalCERTS HERS provider program for HERS raters conducting FV & DT as required by the *2019 Building Energy Efficiency Standards*; and

(2) certifies CalCERTS' data registry, as required by Section 10-109 and Joint Reference Appendix JA7, of the *2019 Building Energy Efficiency Standards*.

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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

M e m o r a n d u m

To: Drew Bohan
Executive Director

Date: September 9, 2019

Telephone: (916) 654-4996

From:  Michael Sokol, Deputy Director
Efficiency Division
California Energy Commission
1616 Ninth Street
Sacramento CA 95814-5512

Subject: Possible approval of CalCERTS as a Home Energy Rating System (HERS) provider for the *2019 Building Energy Efficiency Standards* and approval of the CalCERTS HERS data registry as a residential data registry.

Summary

The California Energy Commission's (CEC) HERS regulations, Title 20, Chapter 4, Article 8, Sections 1670 through 1675, authorize the CEC to approve organizations to be HERS providers. HERS providers oversee the training, certification, and functions of HERS raters. The Title 20 regulations detail the application requirements, the functions and systems that must be included in a HERS provider's program, and other criteria that must be met for CEC approval.

HERS raters conduct Field Verification and Diagnostic Testing (FV and DT) services required to demonstrate compliance with the Title 24, Part 6, Building Energy Efficiency Standards to ensure the correct installation of specific building features and equipment that have previously been prone to incorrect installation. The procedures for conducting FV and DT are detailed in sections RA2 (for residential construction) and NA1 (for non-residential construction) of the *2019 Building Energy Efficiency Standards Reference Appendices*. Detailed protocols for FV and DT for specific building features and equipment are also included. These appendices are adopted at the same time as the standards.

CalCERTS submitted an application for approval as a HERS provider to oversee HERS raters conducting FV and DT testing for the *2019 Building Energy Efficiency Standards*. Staff has reviewed the CalCERTS application and has found that it satisfies the requirements specified in the HERS regulations, the *2019 Building Energy Efficiency Standards*, and its related reference appendices. Staff has also found that the CalCERTS HERS data registry meets the requirements for a residential data registry.

Action Requested

Staff requests approval to present CalCERTS as a HERS provider for conducting FV and DT under the *2019 Building Energy Efficiency Standards*; and approval of the CalCERTS HERS data registry as a residential data registry at the October 14 business meeting.

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION

WHEREAS, on September 19, 2019, the Executive Director of the State Energy Resources Conservation and Development Commission (California Energy Commission) provided his recommendation, attached hereto as "Exhibit A," that the Commission:

(1) certify ConSol Home Energy Efficiency Rating Services, (CHEERS) Inc. as a Provider under the California Home Energy Rating System (HERS) Program, to administer the HERS provider program for HERS raters conducting Field Verification and Diagnostic Testing (FV & DT) for energy efficiency measures, as required by the *2019 Building Energy Efficiency Standards*, pursuant to Public Resources Code, section 25942, and California Code of Regulations, Title 20, sections 1670 et seq.; and

(2) certify CHEERS' data registry as it meets the requirements of a residential data registry in section 10-109 and Joint Reference Appendix JA7, of the *2019 Building Energy Efficiency Standards*; and

WHEREAS, the October 14, 2019 Business Meeting was the first available meeting, after the Executive Director provided his recommendation, for the Energy Commission to consider this matter.

THEREFORE BE IT RESOLVED, that the Energy Commission confirms the Executive Director's findings, adopts his recommendation and:

(1) certifies CHEERS as a HERS provider to administer the CHEERS HERS provider program for HERS raters conducting FV & DT as required by the *2019 Building Energy Efficiency Standards*; and

(2) certifies CHEERS' data registry, as required by Section 10-109 and Joint Reference Appendix JA7, of the *2019 Building Energy Efficiency Standards*.

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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:




Cody Goldthrite
Secretariat

M e m o r a n d u m

To: Drew Bohan
Executive Director

Date: September 9, 2019

Telephone: (916) 654-4996

From: Michael Sokol, Deputy Director 
Efficiency Division
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512

Subject: Possible approval of CONSOL Home Energy Efficiency Services, Inc. (CHEERS) as a Home Energy Rating System (HERS) provider for the *2019 Building Energy Efficiency Standards* and approval of the CHEERS HERS data registry as a residential data registry.

Summary

The California Energy Commission's (CEC) HERS regulations, Title 20, Chapter 4, Article 8, Sections 1670 through 1675, authorize the CEC to approve organizations to be HERS providers. HERS providers oversee the training, certification, and functions of HERS raters. The Title 20 regulations detail the application requirements, the functions and systems that must be included in a HERS provider's program, and other criteria that must be met for CEC approval.

HERS raters conduct Field Verification and Diagnostic Testing (FV and DT) services required to demonstrate compliance with the Title 24, Part 6, Building Energy Efficiency Standards to ensure the correct installation of specific building features and equipment that have previously been prone to incorrect installation. The procedures for conducting FV and DT are detailed in sections RA2 (for residential construction) and NA1 (for non-residential construction) of the *2019 Building Energy Efficiency Standards Reference Appendices*. Detailed protocols for FV and DT for specific building features and equipment are also included. These appendices are adopted at the same time as the standards.

CHEERS submitted an application for approval as a HERS provider to oversee HERS raters conducting FV and DT testing for the *2019 Building Energy Efficiency Standards*. Staff has reviewed the CHEERS application and has found that it satisfies the requirements specified in the HERS regulations, the *2019 Building Energy Efficiency Standards*, and its related reference appendices. Staff has also found that the CHEERS HERS data registry meets the requirements for a residential data registry.

Action Requested

Staff requests approval to present CHEERS as a HERS provider for conducting FV and DT under the *2019 Building Energy Efficiency Standards*; and approval of the CHEERS HERS data registry as a residential data registry at the October 14 business meeting.

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: CITY OF PORT HUENEME

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 006-19-ECA with the City of Port Hueneme for a \$840,272 loan at one percent interest for lighting improvement measures and three PV systems. The project is estimated to save the City 376,563 kWh of electricity, resulting in annual energy cost savings of \$54,618. The simple combined average payback on the loan amount is approximately 15.4 years; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: BLUE DIAMOND GROWERS

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 FPI-18-017 with Blue Diamond Growers for a \$746,890 grant to implement energy efficiency upgrades, including boilers and a heat recovery system at the recipient's food processing facility in Sacramento. The project will replace existing conventional, aging equipment with high-efficiency equipment to reduce GHG emissions, energy use, and operating costs; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION - RE: SAPUTO CHEESE USA INC.

WHEREAS, the City of Tulare is the Lead Agency for purposes of the California Environmental Quality Act ("CEQA") for the Concentrated Solar Thermal for Sustainable Cheese Production in California (hereinafter "Project"); and

WHEREAS, the City of Tulare prepared an Initial Study/Mitigated Negative Declaration for the Project ("MND"), Mitigation, Monitoring and Reporting Program ("MMRP"), and a Notice of Determination, evaluating the potential environmental impacts of implementing the Project, and all of which are on file with the California Energy Commission (CEC) and a link to the documents is provided in the back-up materials; and

WHEREAS, the City of Tulare, on September 9, 2019 considered and adopted the MND for the Project, approved the Conditional Use Permit 2019-20 (CUP) for the Project, adopted the MMRP, and adopted CEQA findings under Resolution No. 5343, copies of which are on file with the CEC and a link to the documents is provided in the back-up materials; and

WHEREAS, the CEC has reviewed and considered the City's MND, MMRP, CUP, Resolution No. 5343 containing CEQA findings, filed Notice of Determination, and the CEC staff's findings are contained in the September 24, 2019 Memorandum, FPI-19-002, Saputo Hylux Concentrated Solar Energy Project CEQA Analysis which is available in the back-up materials; and

WHEREAS, the CEC is considering proposed Agreement FPI-19-002, Concentrated Solar Thermal for Sustainable Cheese Production in California (hereinafter "FPI-19-002"), a grant to fund the installation of a concentrated solar power plant at the Saputo cheese production facility in Tulare, CA to reduce on-site natural gas usage and is expected to provide benefits to priority populations where the cheese production facility is located by reducing on-site criteria air pollutant emissions and creating quality jobs; and

Prior to acting on Agreement FPI-19-002, the CEC desires to make certain findings pursuant to CEQA Guidelines, title 14, sections 15091, 15092 and 15096;

NOW THEREFORE, BE IT RESOLVED:

1. To the extent relevant to FPI-19-002, the CEC has considered the information contained in the City of Tulare's MND, MMRP, CUP, Resolution No. 5343 containing CEQA findings, and staff's September 24, 2019 Memorandum identified above;
2. The City of Tulare has the authority and has already adopted the MMRP to implement mitigation measures or seek any required approvals for mitigation measures identified, to reduce the selected impacts to a less than significant level, and the CEC has no direct authority to implement the mitigation measures identified.

3. The CEC finds the City of Tulare's MND, MMRP, CUP and Resolution No. 5343 containing CEQA findings are adequate for its use as the decision-making body for its consideration of FPI-19-002.
4. Approval of FPI-19-002 is within the scope of the City of Tulare's MND, MMRP, CUP, and Resolution No. 5343.
5. Since the City of Tulare's MND, MMRP, CUP, and Resolution No. 5343 were finalized, there have been no substantial project changes and no substantial changes in the Project circumstances that would require major revisions to these documents due to the involvement of new significant environmental effects or an 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 therein.
6. The CEC has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Project would have on the environment.

BE IT FURTHER RESOLVED, that the CEC finds, on the basis of the entire record before it, including the City of Tulare's CEQA documents and staff's September 24, 2019 Memorandum identified above, that the mitigation measures incorporated will prevent FPI-19-002 from having any significant environmental impacts; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to prepare and file a Notice of Determination on behalf of the CEC; and

BE IT FURTHER RESOLVED, that the CEC approves Agreement FPI-19-002 with Saputo Cheese USA Inc. for \$5,456,184; and

BE IT FURTHER RESOLVED, that the Executive Director or his or her 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: FIVE POINTS PIPELINE LLC

WHEREAS, the Fresno County Planning Commission is the Lead Agency for “Unclassified Conditional Use Permit Application Nos. 3642, 3643, 3644, 3645, 3646, and 3647” (hereinafter, “Project,”) the proposed installation of four new anaerobic dairy digesters, five sets of biogas conditioning equipment and biogas generators, a biogas upgrading and production facility, and related pipelines; and

WHEREAS, the Fresno County Planning Commission, in June 2019, prepared an Initial Study and Mitigated Negative Declaration (hereinafter “IS/MND”) for the Project to evaluate the potential environmental impacts of implementing the Project, copies of which are on file with the California Energy Commission and are provided in the backup materials; and

WHEREAS, the Fresno County Planning Commission, on August 8, 2019, approved and adopted the IS/MND for the Project, and adopted a Mitigation Monitoring and Reporting Program (MMRP), thereby imposing mitigation measures upon the project; and

WHEREAS, the Fresno County Planning Commission adopted findings required by the California Environmental Quality Act (“CEQA”), and approved the Project, by Adoption of Resolution No. 12791, a copy of which Resolution is on file with the Energy Commission and is provided in the backup materials; and

WHEREAS, the Energy Commission has reviewed and considered the County’s IS/MND, MMRP, Resolution No. 12791, and filed Notice of Determination, and the Energy Commission staff’s findings, which are contained in the Staff Memorandum and CEQA Analysis of ARV-19-075, which is included in the backup materials; and

WHEREAS, the Energy Commission is considering proposed Agreement ARV-19-075, “Five Points Pipeline Cluster Project” (hereafter, “ARV-19-075”), a grant to construct and operate the 2,536,172-diesel gallon equivalent per year biomethane production facility; and

Prior to acting on the Agreement ARV-19-075, the Energy Commission desires to make certain findings pursuant to the CEQA Guidelines, title 14, section 15096;

NOW THEREFORE, BE IT RESOLVED:

1. The Energy Commission has reviewed the information contained in the IS/MND and MMRP that is relevant to its approval of ARV-19-075, and has reviewed the CEQA findings contained in the Fresno County Planning Commission’s IS/MND, MMRP, and Resolution No. 12791, which are adopted to the extent that they are relevant to the Energy Commission’s decision to approve ARV-19-075, and has reviewed the Staff Memorandum identified above.
2. The Fresno County Planning Commission has already adopted the mitigation measures recommended in the Mitigated Negative Declaration and MMRP, and has authority to implement the mitigation measures or to seek any required approvals for the mitigation measures, and the Energy Commission has no direct authority to implement the mitigation measures.

3. The Energy Commission has reviewed and considered the IS/MND, MMRP, Resolution, and Staff Memorandum, and finds that these documents are adequate for its use as the decision-making body for its consideration of ARV-19-075.
4. Approval of ARV-19-075 is within the scope of the Project approved by Fresno County Planning Commission, and the activities evaluated in the Initial Study and Mitigated Negative Declaration.
5. Since the Mitigated Negative Declaration was finalized and adopted on August 8, 2019, there have been no substantial project changes and no substantial changes in the project circumstances that would require major revisions to the Mitigated Negative Declaration, either due to the involvement of new significant environmental effects or to an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusion set forth in the Mitigated Negative Declaration.
6. The Energy Commission has not identified any feasible alternative or additional feasible mitigation measures within its power that would substantially lessen or avoid any significant effect the Project would have on the environment.

THEREFORE BE IT RESOLVED, that the Energy Commission finds, on the basis of the entire record before it, that the mitigation measures incorporated in the Mitigated Negative Declaration will prevent ARV-19-075 from having any significant environmental impacts; and

BE IT FURTHER RESOLVED, that the Energy Commission approves Agreement ARV-19-075 with Five Points Pipeline LLC, for \$3,535,000; and

BE IT FURTHER RESOLVED, that this document authorizes the Executive Director or his or her designee to execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission 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 California Energy Commission held on October 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:



Cody Goldthrite
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: ENEL X NORTH AMERICA, 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-19-001 with Enel X North America, Inc. for a \$1,996,732 grant to procure and install manufacturing tools and equipment for the production of electric vehicle supply equipment in an existing manufacturing facility that will benefit disadvantaged communities; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her 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 14, 2019.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY:

ABSENT:

ABSTAIN:


Cody Goldthrite
Secretariat