

DOCKETED

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Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	232013
Document Title:	Steve Uhler Comments - CEC's findings of diminution of energy consumption
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Comment Received From: Steve Uhler
Submitted On: 2/12/2020
Docket Number: 19-BSTD-06

BSTD-19-06 CEC's findings of diminution of energy consumption

BSTD-19-06 CEC's findings of diminution of energy consumption

Dear Mr. Peter Strait,

Perhaps the Energy Commission staff have overlooked placing into the record, pursuant to Title 20 Section 1208, findings of diminution of energy consumption?

Were such finding made by the Energy Commission?

Pursuant to Public Resources Code - PRC 25402.1. (h) (2) the Energy Commission is required to find that the city or county energy conservation or energy insulation standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section.

What certified computer program was used pursuant to Public Resources Code - PRC 25402.1. (a), where the Energy Commission developed the required public domain computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings?

What formal process was used for certification of compliance options, and calculation methods pursuant to Public Resources Code - PRC 25402.1. (b) requirement the Energy Commission establish a formal process for certification of compliance options, and calculation methods?

Please see that the above questions are answered through the docket for the proceeding docketed as 19-BSTD-06 as shown in the agenda attached below.

Please clarify what nine resolutions for approval spoke of in the below agenda item 6 the Energy Commission will approve. If they are Energy Commission resolutions please file the resolutions in the docket.

Will the Energy Commission be adopting the said resolutions pursuant to Title 20 Section 1105 (a)?

Please see that all writings in docket 19-BSTD-06 are compliant with Title 20 Section 1208.1 (b), and where applicable, Government Code - GOV 6253.10 (a).

Please consider this as a public records request pursuant to Government Code - GOV 11125.1. (a).

Steve Uhler
sau@wwmpd.com

Additional submitted attachment is included below.



February 20, 2020

Warren-Alquist State Energy Building
1516 Ninth Street
Art Rosenfeld Hearing Room
Sacramento, California 95814
10 a.m.
(Wheelchair Accessible)

Item 11 (Sacramento Municipal Utility District (SMUD) Community Solar Program (19-BSTD-08)) will be heard no earlier than 1 p.m.

Pursuant to California Code of Regulations Title 20 § 1104(e), any person may make oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes per person as to each item listed on the agenda that will be voted on today. Any person wishing to comment on information items or reports (non-voting items) shall reserve their comment for the general public comment portion of the meeting agenda and shall have three minutes total to address all remaining comments.

THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING:

1. Consent Calendar.

(Items will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)

- a. IMPERIAL IRRIGATION DISTRICT (20-EPS-01). Proposed order approving the Executive Director's recommendation that the Imperial Irrigation District's Power Purchase Agreement (PPA) with Hell's Kitchen PowerCo 1, LLC for the procurement of geothermal energy from the proposed Hell's Kitchen PowerCo facility be found compliant with the Emission Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill (SB) 1368 (California Code of Regulations, Title 20, § 2900-2913). Contact: Michael Nyberg.
- b. TURLOCK IRRIGATION DISTRICT (20-EPS-01). Proposed order approving the Executive Director's recommendation that the Turlock Irrigation District's PPA with Roseburg Forest Products Co. for the procurement of bioenergy from the Weed Cogeneration Plant be found compliant with the Emission Performance Standard for Local Publicly Owned Electric Utilities pursuant to SB 1368

(California Code of Regulations, Title 20, §§ 2900-2913). Contact: Michael Nyberg.

- c. **STANFORD ENERGY MODELING FORUM.** Proposed resolution approving Agreement 800-19-002 with Stanford University for a \$25,000 contract to co-sponsor the Stanford Energy Modeling Forum, which is scheduled for mid-Spring 2020. In conducting each study, the forum seeks to: (1) harness the collective capabilities of participating experts to improve understanding of an important energy and associated environmental problem; (2) explain the strengths and limitations of competing approaches to the problem; and (3) provide guidance for future research efforts. The next study is on High Electricity Futures in North America. (ERPA funding) Contact: Anthony Dixon.

2. Discussion of Energy Commission Progress on Joint Agency Report, Charting a Path to a 100 Percent Clean Electricity Future, SB 100 (2018).

Staff presentation on the clean energy goals established by SB 100, and a discussion of its requirement to issue a joint agency report due to the Legislature by January 1, 2021. Staff will also provide an update of the report development process, including the planned scope and public engagement process. Contact: Terra Weeks. (Staff presentation: 5 minutes)

3. Palmdale Energy Project (08-AFC-09C).

Proposed order approving termination of the California Energy Commission (CEC) certification for the Palmdale Energy Project located in the city of Palmdale. The Palmdale Energy Project was first licensed by the CEC on June 10, 2015, as the Palmdale Hybrid Power Project, a 570-megawatt hybrid facility using combined cycle and solar trough. The project was amended in 2017, but was never constructed and there was no ground disturbance. On December 2, 2019, Palmdale Energy Project, LLC requested the CEC terminate the license. Staff concludes terminating the license would not result in a significant adverse impact to the environment and would comply with applicable laws, ordinances, regulations and standards. Contact: Keith Winstead. (Staff presentation: 5 minutes)

4. Approval of Disadvantaged Communities Advisory Group (DACAG) New Member.

Proposed resolution appointing new member, Fred L. Beihn, to fill a vacancy in the DACAG (16-OIR-06). Senate Bill 350 (de León, Chapter 54, Statutes of 2015) required the California Public Utilities Commission (CPUC) and the CEC to establish a disadvantaged communities advisory group consisting of representatives from disadvantaged communities. The DACAG is comprised of 10 members, jointly selected by two commissioners from the CEC and two commissioners from the CPUC, and one tribal representative appointed by the Governor's Tribal Liaison. Contact: Kristy Chew. (Staff Presentation: 5 minutes)

5. 2019 Integrated Energy Policy Report (IEPR) (19-IEPR-01).

Proposed resolution approving the *2019 Integrated Energy Policy Report* (CEC-100-2019-001-CMF). Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires

the CEC to prepare a biennial IEPR that assesses major energy trends and issues facing the state's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to: conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public health and safety (Public Resources Code § 25301(a)). The CEC prepares these assessments and associated policy recommendations every two years, with updates in alternate years, as part of the IEPR. Contact: Heather Raitt. (Staff presentation: 10 minutes)

6. Local Ordinance Applications (19-BSTD-06).

Possible approval of nine resolutions for nine separate applications submitted by local jurisdictions for energy ordinances that exceed the energy efficiency requirements of the 2019 Energy Code (Title 24, Part 6). Contact: Danuta Drozdowicz. (Staff presentation: 5 minutes)

- a. SANTA ROSA. New ordinance requires all new low-rise residential construction to be all-electric (with no propane or natural gas supply plumbing). Also requires that both single-family and multifamily buildings meet prescriptive requirements including solar photovoltaic (PV) and energy storage, compact hot water distribution, and central fan-integrated ventilation, with an exception for accessory dwelling units.
- b. BERKELEY. New ordinance requires that newly constructed mixed-fuel residential, high-rise residential, hotel/motel and nonresidential buildings meet increased efficiency standards and include "electric ready" wiring to gas appliances. In addition, newly constructed nonresidential, high-rise residential and hotel/motel buildings are required to install solar PV systems.
- c. MOUNTAIN VIEW. New ordinance requires all new construction (including single-family and duplex residential, multifamily, mixed-use, hotel, and commercial) to be all-electric and to include solar PV systems.
- d. WINDSOR. New ordinance requires all new low-rise residential construction (including single-family, detached accessory dwelling units and multifamily up to three stories) to be all-electric.
- e. MILPITAS. New ordinance distinguishes between all-electric, electrically heated (gas used for cooking and clothes drying) and mixed-fuel (gas used for heating and hot water). Requires that electrically heated and mixed-fuel new single-family, duplex, multifamily (under three stories), low-rise alterations and additions, nonresidential, and mixed-occupancy buildings must meet efficiency standards that are stricter than the 2019 Energy Code.
- f. HEALDSBURG. New ordinance requires new low-rise residential buildings (single-family and multifamily of three stories or less) and new high-rise multifamily and nonresidential buildings use electricity for space heating, water heating, and clothes drying. Natural gas is permitted for cooking, fireplaces, pool and spa equipment; pre-wiring for electric appliances is required if natural gas appliances are installed.

- g. PALO ALTO. New ordinance requires new nonresidential, high-rise residential and hotel/motel buildings install PV. If mixed-fuel, buildings must be all-electric ready and, with the exception of manufacturing facilities, meet higher efficiency standards than all-electric buildings. Also prohibits new low-rise residential buildings and additions from using natural gas for fireplaces, water heating, space conditioning, clothes drying, and cooking.
- h. LOS GATOS. New ordinance requires that new single-family residential, accessory dwelling unit, and low-rise residential buildings be all-electric, including all interior and exterior applications, and are also prewired for the installation of battery storage.
- i. BRISBANE. New ordinance requires both onsite energy generation and building electrification. Solar hot water systems may be substituted for PV if they demonstrate equivalent energy savings. As of January 1, 2021, new nonresidential and residential buildings will be required to be all-electric, except for natural gas cooking and fireplaces, and prewired for electric appliances if natural gas is used.

7. Association of Home Appliance Manufacturers (AHAM) Kitchen Range Hood Directory and Program Approval (19-BSTD-10).

Proposed resolution approving the use of AHAM's Kitchen Range Hood directory as an alternative to the Home Ventilating Institute (HVI) directory consistent with Title 24, Part 1, § 10-109(h). AHAM is requesting approval for use of its program and directory as an alternative procedure for demonstrating compliance with the Energy Code where a directory published by HVI would otherwise be required or specified. The CEC is able to "authorize alternative procedures or protocols that demonstrate compliance with Part 6." Use of the AHAM directory would be an alternative, equivalent procedure for demonstrating that kitchen range hoods possess attributes that comply with Part 6 requirements. Contact: Peter Strait. (Staff presentation: 5 minutes)

8. Right-Energy Title 24 Residential Compliance Software (19-BSTD-01).

Proposed resolution approving Right-Energy Title 24 2019.1.1 from Wrightsoft for demonstrating performance compliance with the 2019 low-rise residential, single-family provisions of the 2019 Building Energy Efficiency Standards (Public Resources Code § 25402.1(b)). Contact: Larry Froess. (Staff presentation: 5 minutes)

9. Adopting Energy Commission Determination Finding Glendale Water and Power's Integrated Resource Plan (IRP) Consistent with the Requirements of SB 350 (18-IRP-01).

Proposed resolution adopting CEC's determination finding Glendale Water and Power's IRP Filing consistent with requirements of SB 350. Contact: Liz Gill. (Staff presentation: 5 minutes)

10. Bay Area Air Quality Management District.

Proposed resolution approving Agreement RMB600-19-010 with the Bay Area Air Quality Management District (BAAQMD) for the CEC to receive \$5,000,000 from the

Volkswagen Environmental Mitigation Trust to fund hydrogen refueling stations throughout the state. Cooperation between BAAQMD and the CEC will ensure that hydrogen refueling infrastructure funding decisions are optimized to meet the complementary objectives of BAAQMD and the CEC. Contact: Phil Cazel. (Staff presentation: 5 minutes)

11. Sacramento Municipal Utility District (SMUD) Community Solar Program (19-BSTD-08).

This item will be heard no earlier than 1 p.m.

Proposed resolution approving SMUD's revised application to administer the new Neighborhood SolarShares Program to meet the 2019 Energy Code requirements under § 10-115, which establishes the requirements that must be met for a Community Shared Solar Electric Generation System to be used by a builder/developer as a compliance alternative to the onsite PV requirement in § 150.1(b)1. Contact: Bill Pennington. (Staff presentation: 5 minutes)

12. Minutes.

- a. Possible approval of the January 22, 2020, business meeting minutes.
- b. Possible approval of the February 4, 2020, business meeting minutes.

13. Lead Commissioner or Presiding Member Reports.

A lead commissioner on a policy matter may report to the CEC on the matter and discussion may follow. A presiding member on a delegated committee may report to the CEC on the matter and discussion may follow.

14. Executive Director's Report.

15. Public Advisor's Report.

16. Public Comment.

Individuals may speak up to three minutes on any matter concerning the CEC, with the exception of items appearing on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

17. Chief Counsel's Report.

- a. Pursuant to Government Code § 11126(e), the CEC may adjourn to closed session with its legal counsel to discuss any of the following matters to which the CEC is a party:
 - i. *In the Matter of U.S. Department of Energy (High Level Waste Repository)*, (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); *State of California v. United States Department of Energy* (9th Cir. Docket No. 09-71014).
 - ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller* (Alameda County Superior Court, Case No. RG13681262).

- iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court, Case No. 34-2016-00204586).
 - iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, Case No. 17-cv-03404).
 - v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
 - vi. *Helping Hand Tools v. California Energy Commission, and Vantage Data Centers LLC* (Sacramento Superior Court, Case No. 34-2018-80003026)
 - vii. *In re: PG&E Corporation and In re: Pacific Gas and Electric Company* (United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088).
 - viii. *Chukwuemeka (Emeka) Okemiri v. California Energy Commission, et al.* (Sacramento Superior Court, Case No. 34-2018-00246019).
 - ix. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc.* (Sacramento County Superior Court No. 34-2019-00252543).
 - x. *National Electrical Manufacturers Association, et al. v. CEC, et al.* (U.S. Eastern District Court of California Case No. 2:19-cv-02504).
 - xi. *Olson-Ecologic Testing Laboratories, LLC v. CEC.* (Orange County Superior Court. Case No. 30-2019-01115513)
- b. Pursuant to Government Code § 11126(e), the CEC may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the CEC, which might include personnel matters.

Participate by Telephone. To participate by telephone, call 1-888-823-5065 on business meeting days after 9:50 a.m. (Pacific Time). The passcode is "business meeting" and the call leader is Jerome Lee. If you plan to speak about a specific item, please give the item number to the operator.

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click “Unlisted Events” on the left of the screen and enter event number **929 836 815**. The WebEx broadcast is listen only. To comment or ask a question, call in to the meeting as described above.

Public participation. Questions may be directed to the public advisor, Noemí O. Gallardo, via email at publicadvisor@energy.ca.gov, or by phone at 916-654-4489 or 800-822-6228. It is recommended that comments be submitted to the Docket Unit by email to docket@energy.ca.gov or to the Public Advisor’s Office by email to publicadvisor@energy.ca.gov or via facsimile to (916) 654-4493 by 5 p.m., preferably two days before the meeting.

Accommodation. Requests may be directed to Yolanda Rushin at 916-654-4310, at least five days before the meeting.

Wi-Fi. Access is available in the building’s public areas (atrium, snack bar, and library).

Media. Inquiries may be directed to Media and Public Communications at 916-654-4989.

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Adjournment of Hearings and Meetings. Depending on time and the orderly management of proceedings, the CEC may adjourn (recess or postpone) any noticed hearing or meeting to be continued the next day, another specific date or time, or the next business meeting. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code §§ 11128.5, 11129)