

DOCKETED

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State of California
California Energy Commission
Minutes of the December 22, 2020, Energy Commission Business Meeting

The meeting was called to order by Chair Hochschild. The Pledge of Allegiance was led by Commissioner Monahan.

Present:

David Hochschild, Chair
Janea A. Scott Vice Chair
Patricia Monahan, Commissioner

Karen Douglas, Commissioner
J. Andrew McAllister, Commissioner

The California Energy Commission's (CEC) December 22, 2020 Business Meeting was held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. The public was able to participate and observe the meeting consistent with the direction in these Executive Orders. Instructions for remote participation were provided in the notice for this meeting and as set forth below in the agenda.

THE CEC CONSIDERED THE FOLLOWING AND TOOK ACTION AS NOTED:

1. Gabe Herrera.

Proposed resolution recognizing and commending Gabe Herrera for his contributions to the CEC. (Staff Presentation: 5 minutes)

The Commissioners presented Gabe Herrera with a resolution and commended him for his contributions to and achievements at the Energy Commission. No vote was taken.

2. Elizabeth Flores.

Proposed resolution recognizing and commending Elizabeth Flores for her contributions to the CEC. (Staff Presentation: 5 minutes)

The Commissioners presented Elizabeth Flores with a resolution and commended her for her contributions to and achievements at the Energy Commission. No vote was taken.

3. Chris Davis.

Proposed resolution recognizing and commending Chris Davis for his contributions to the CEC. (Staff Presentation: 5 minutes)

The Commissioners presented Chris Davis with a resolution and commended him for his contributions to and achievements at the Energy Commission. No vote was taken.

4. Modification of Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Publicly Owned Electric Utilities (16-RPS-03).

Proposed resolution to adopt a Negative Declaration under the California Environmental Quality Act (CEQA), and also to adopt modifications to the existing

regulations establishing enforcement rules and procedures for the Renewables Portfolio Standard for local publicly owned electric utilities, in Title 20, California Code of Regulations (CCR), §§ 3201, 3202, 3204 – 3208, and 1240, and address provisions required by Senate Bill (SB) 350 (Stats. 2015, ch. 547), SB 1393 (Stats. 2016, ch. 677), SB 100 (Stats. 2018, ch. 312), and SB 1110 (Stats. 2018, ch. 605). Contact: Katharine Larson. (Staff presentation: 15 minutes)

- a. **NEGATIVE DECLARATION.** Consideration for possible adoption of the Negative Declaration for Modification of Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities. This proposed adoption comes after a 30-day public comment period necessary to comply with CEQA guidelines.
- b. **ENFORCEMENT PROCEDURES FOR THE RENEWABLES PORTFOLIO STANDARD FOR LOCAL PUBLICLY OWNED ELECTRIC UTILITIES.** Proposed adoption of amendments to Title 20, CCR, §§ 3201, 3202, 3204 – 3208, and 1240 implementing, interpreting, and making specific several provisions of Public Utilities Code (PUC) sections 399.13, 399.15, 399.16, 399.18, 399.30, and 399.33. The rulemaking also updates other aspects of the program to facilitate implementation and improve clarity. The proposed action is taken under the authority of sections 25213 and 25218(e) of the Public Resources Code and section 399.30 of the PUC. This proposed action comes after 45-day and three subsequent 15-day public comment periods.

Commissioner Douglas moved approval of the Negative Declaration for the rulemaking package for the Renewables Portfolio Standard and Vice Chair Scott seconded. The vote was unanimous (5-0). Commissioner Douglas moved approval of the modification of regulations specifying enforcement procedures for the Renewables Portfolio Standard for publicly-owned utilities and Vice Chair Scott seconded. The vote was unanimous (5-0).

5. Energy Conservation Assistance Act-Education Subaccount (ECAA-Ed) Competitive Loan Program, PON-19-101.

Proposed resolutions approving two ECAA-Ed loans to local educational agencies (LEAs) at zero percent interest to finance energy efficiency and renewable energy projects. Program Opportunity Notice 19-101 evaluated applications from LEAs on a competitive basis based on priority criteria: number of students, geographic region, percent of students eligible for free or reduced-price meals, and energy savings. (Clean Energy Job Creation Fund) Contact: Camille Remy-Obad. (Staff presentation: 5 minutes)

- a. **MONSON-SULTANA JOINT UNION ELEMENTARY.** Proposed resolution approving Agreement 001-20-ECG with Monson-Sultana Joint Union Elementary for a \$690,508 loan at zero percent interest to install a 150 kW ground mounted solar PV system, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save 319,216 kWh of electricity annually, resulting in annual energy cost savings of \$61,700.

- b. GOLDEN PLAINS UNIFIED SCHOOL DISTRICT. Proposed resolution approving Agreement 002-20-ECG with Golden Plains Unified School District for a \$534,990 loan at zero percent interest to retrofit interior and exterior lights to LEDs at six school sites and the district office, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save 280,486 kWh of electricity annually, resulting in annual energy cost savings of \$81,341.

Commissioner McAllister moved to approve Item 5 and Commissioner Douglas seconded. The vote was unanimous (5-0).

6. Minutes.

Possible approval of the December 9, 2020 business meeting minutes.

Vice Chair Scott moved to approve Item 6 and Commissioner Douglas seconded. The vote was unanimous (5-0).

7. Lead Commissioner or Presiding Member Reports.

The Commissioner's reported on their recent activities.

8. Executive Director's Report.

The Executive Director gave a report.

9. Public Advisor's Report.

The Public Advisor gave a report.

10. Public Comment.

Steve Uhler.

11. Chief Counsel's Report.

- a. Pursuant to Government Code section 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. *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).
 - vi. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc* (Sacramento County Superior Court No. 34-2019-00252543).
 - vii. *Olson-Ecologic Testing Laboratories, LLC v. CEC*. (Orange County Superior Court. Case No. 30-2019-01115513).
 - viii. *Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King* (United States District Court for the District of New Jersey No: 2:20-cv-10566)
 - ix. *Southern California Gas Company v. California State Energy Resources Conservation and Development Commission* (Orange County Superior Court Case No: 30-2020-01152336-CU-WM-CXC).
- b. Pursuant to Government Code sections 11126 (a) and (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.

The Chief Counsel gave a report.

Appearances:

(All by telephone)

Garry Maurath

James Hendry, San Francisco Public Utilities Commission

Scott Tomashefsky, Northern California Power Agency

Mario DeBernardo, Southern California Public Power Authority

Matthew Freedman, The Utility Reform Network

Barry Moline, California Municipal Utilities Association

Steve Uhler

Ben Davis

There being no further business, the meeting was adjourned.

Respectfully submitted,

Original Signed by:

CODY GOLDTHRITE
Secretariat