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ORDER NO: 22-0608-01a

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Sacramento Municipal Utility District Emission Performance Standard Compliance Filing Docket No. 22-EPS-01

I. INTRODUCTION

Pursuant to Public Utilities Code section 8341(e)(1), the Energy Commission established a greenhouse gas emission performance standard (EPS) of 1,100 pounds of carbon dioxide per megawatt hour, as codified in title 20 of the California Code of Regulations, section 2900 et seq. The Energy Commission is responsible for reviewing all long-term financial commitments entered into by local publicly owned electric utilities for compliance with the EPS.

II. FINDINGS

On April 12, 2022, the Sacramento Municipal Utility District (SMUD) submitted a compliance filing requesting that the Energy Commission find that SMUD's Power Purchase Agreement with Geysers Power Company LLC for electricity from a portfolio of geothermal facilities with capacity support from the Delta Energy Center be determined to be compliant with the EPS;

Energy Commission staff reviewed SMUD's filing and found it complete. Based on its review, on May 13, 2022, staff recommended that the procurement be found to be in compliance with the EPS; specifically, staff concluded that the geothermal facilities listed in the PPA are determined to be compliant with the EPS under section 2903(b)(1) of the Public Resources Code and the Delta Energy Center is determined to be compliant with the EPS under section 2902(a) of the Public Resources Code; and

The Energy Commission concurs with staff's recommendation that SMUD's compliance filing is complete and that the contract with Geysers Power Company LLC, as described in the compliance filing, complies with the EPS.

III. CONCLUSION AND ORDER

The Energy Commission hereby adopts staff's recommendation and orders that the long-term financial commitment described in SMUD's compliance filing complies with the Energy Commission's Greenhouse Gas Emission Performance Standard, as codified in title 20 of the California Code of Regulations, section 2900 et seq.

CERTIFICATION

The undersigned Secretariat to the Energy 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 Energy Commission held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ADOPTING FORMS AND INSTRUCTIONS FOR ELECTRICITY RESOURCE PLANS

RESOLVED, the CEC hereby adopts the Forms and Instructions for Electricity Resource Plans Prepared in Support of the 2023 Integrated Energy Policy Report for the 2023 IEPR, along with any changes identified at its June 8, 2022 Business Meeting; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

CALIFORNIA ENERGY COMMISSION

715 P Street Sacramento, California 95814

energy.ca.gov

CEC-70 (Revised 11/2021)



IN THE MATTER OF:

PECHO ENERGY STORAGE CENTER

Docket No. 21-AFC-01

ADOPTION ORDER ON JOINT DECISION REGARDING EXEMPTION FROM THE NOTICE OF INTENTION PROCESS

By this **ORDER**, the California Energy Commission (CEC), hereby adopts as its own Commission Decision the "Joint Decision Regarding Exemption from the Notice of Intention Process," dated May 27, 2022.¹

The Commission Decision addresses whether the Pecho Energy Storage Center (Pecho) qualifies for an exemption from the Notice of Intention (NOI) process and thus may be considered as an Application for Certification (AFC). Pecho LD Energy Storage, LLC (a joint venture of Hydrostor, Inc., and Meridiam Infrastructure Partners) (Applicant) submitted Pecho as an AFC on November 23, 2021.

On May 27, 2022, the Committee filed a Notice of Availability of the Proposed Joint Decision Regarding Exemption from the Notice of Intention Process; Notice of Public Comment Period; Notice of Intent to Prepare Hearing Record; and Notice of California Energy Commission Hearing (May 27th Notice).² The May 27th Notice provided the parties the opportunity to object to the proposed admission of Docket Nos. 21-AFC-01 and 21-AFC-02 into the hearing record of the proceeding, by a deadline of June 6, 2022. No objections were received by that date.

The Commission Decision is based upon the hearing record of these proceedings, which consists of Docket Nos. 21-AFC-01 and 21-AFC-02. The hearing record is on file in the CEC's Docket Unit, located at 715 P Street, Sacramento, CA 95814, and is available for inspection by any person. The documents and other materials that make

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¹ TN 243346.

² TN 243350 (English); TN 243348 (Spanish).

up the record of this proceeding relied upon in making this decision are also available on the Pecho proceeding's web page at:

https://www.energy.ca.gov/powerplant/caes/Pecho-energy-storage-center.

FINDINGS AND CONCLUSIONS

We hereby adopt the following findings, in addition to those contained in the Commission Decision:

- No objection was filed by the June 6, 2022, deadline regarding admitting Dockets 21-AFC-01 and 21-AFC-02 as the hearing record for the Proposed Decision.
- Pecho depends on specific interrelated technologies and sources of energy located in close proximity to each other to generate electricity. Without the stored energy in a sustainable underground storage cavern and grid connection supplying electric energy to the above-ground components, including the compressors and thermal management system, Pecho would not operate.
- The purpose-built underground storage caverns are a necessary component of Pecho as proposed and can only be constructed and operated in suitable geological settings exhibiting qualities such as stability and low permeability, which have been determined by Applicant to exist at the site proposed for Pecho.
- The purpose-built underground storage caverns and the grid electrical energy are collectively "the energy source" within the meaning of section 25540.6(a)(3).
- Pecho is only technologically or economically feasible to site at or near the
 energy source; the totality of combined features and requirements of the
 technology employed by Pecho, including the energy sources necessary for the
 technology to successfully and reliably generate electricity, are factors in our
 determination that the proposed power plant is only technologically or
 economically feasible to site at or near the energy source.

We therefore conclude that Pecho is exempt from the NOI process under Public Resources Code section 25540.6(a)(3).

ORDERS

Therefore, we order the following:

1. Docket Nos. 21-AFC-01 and 21-AFC-02, are hereby admitted into the hearing record for the Commission Decision.

- 2. The Hearing and Advisory Unit of the CEC's Chief Counsel's Office shall incorporate the Commission Decision and any modifications made by the CEC during the June 8, 2022, Business Meeting into a single document. Preparation and publication of the Commission Final Decision shall not affect the adoption, issuance, effectiveness, or finality of this Order.
- 3. Staff shall process the Pecho application as an AFC, including reviewing the filings for data adequacy pursuant to section 1704 and Appendix B of title 20 of the California Code of Regulations.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

Liza Lopez

CALIFORNIA ENERGY COMMISSION

715 P Street Sacramento, California 95814

energy.ca.gov

CEC-70 (Revised 11/2021)



IN THE MATTER OF:

GEM ENERGY STORAGE CENTER

Docket No. 21-AFC-02

ADOPTION ORDER ON JOINT DECISION REGARDING EXEMPTION FROM THE NOTICE OF INTENTION PROCESS

By this **ORDER**, the California Energy Commission (CEC), hereby adopts as its own Commission Decision the "Joint Decision Regarding Exemption from the Notice of Intention Process," dated May 27, 2022.¹

The Commission Decision addresses whether the Gem Energy Storage Center (Gem) qualifies for an exemption from the Notice of Intention (NOI) process and thus may be considered as an Application for Certification (AFC). GEM A-CAES LLC (Applicant) submitted Gem as an AFC on December 1, 2021.

On May 27, 2022, the Committee filed a Notice of Availability of the Proposed Joint Decision Regarding Exemption from the Notice of Intention Process; Notice of Public Comment Period; Notice of Intent to Prepare Hearing Record; and Notice of California Energy Commission Hearing (May 27th Notice).² The May 27th Notice provided the parties the opportunity to object to the proposed admission of Docket Nos. 21-AFC-01 and 21-AFC-02 into the hearing record of the proceeding, by a deadline of June 6, 2022. No objections were received by that date.

The Commission Decision is based upon the hearing record of these proceedings, which consists of Docket Nos. 21-AFC-01 and 21-AFC-02. The hearing record is on file in the CEC's Docket Unit, located at 715 P Street, Sacramento, CA 95814, and is available for inspection by any person. The documents and other materials that make up the record of this proceeding relied upon in making this decision are also available

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¹ TN 243347.

² TN 243351 (English); TN 243349 (Spanish).

on the Gem proceeding's web page at:

https://www.energy.ca.gov/powerplant/caes/gem-energy-storage-center.

FINDINGS AND CONCLUSIONS

We hereby adopt the following findings, in addition to those contained in the Commission Decision:

- No objection was filed by the June 6, 2022, deadline regarding admitting Docket Nos. 21-AFC-01 and 21-AFC-02 as the hearing record for the Commission Decision.
- Gem depends on specific interrelated technologies and sources of energy located in close proximity to each other to generate electricity. Without the stored energy in a sustainable underground storage cavern and the grid connection supplying electric energy to the above-ground components, including the compressors and thermal management system, Gem would not operate.
- The purpose-built underground storage caverns are a necessary component of Gem as proposed and can only be constructed and operated in suitable geological settings exhibiting qualities such as stability and low permeability, which have been determined by Applicant to exist at the site proposed for Gem.
- The purpose-built underground storage caverns and the grid electrical energy are collectively "the energy source" within the meaning of section 25540.6(a)(3).
- Gem is only technologically or economically feasible to site at or near the energy source; the totality of combined features and requirements of the technology employed by Gem, including the energy sources necessary for the technology to successfully and reliably generate electricity, are factors in our determination that the proposed power plant is only technologically or economically feasible to site at or near the energy source.

We therefore conclude that Gem is exempt from the NOI process under Public Resources Code section 25540.6(a)(3).

ORDERS

Therefore, we order the following:

- 1. Docket Nos. 21-AFC-01 and 21-AFC-02 are hereby admitted into the hearing record for the Commission Decision.
- 2. The Hearing and Advisory Unit of the CEC's Chief Counsel's Office shall incorporate the Commission Decision and any modifications made by the CEC during the June 8, 2022, Business Meeting into a single document. Preparation and publication of the Commission Final Decision shall not affect the adoption, issuance, effectiveness, or finality of this Order.
- 3. Staff shall process the Gem application as an AFC, including reviewing the filings for data adequacy pursuant to the California Code of Regulations, title 20, section 1704, and Appendix B.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

ORDER NO: 22-0608-4

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

MOJAVE SOLAR PROJECT

DOCKET 09-AFC-05C

ORDER APPROVING POST CERTIFICATION PETITION TO AMEND

I. INTRODUCTION

On January 13, 2022, the Mojave Solar LLC (project owner), filed a petition for a post certification change (TN#241162) with the California Energy Commission (CEC) for the Mojave Solar Project (MSP).

The 250-megawatt (MW) MSP solar thermal generation project was certified by the CEC on September 8, 2010, and began commercial operation in December 2014. The facility is located between Barstow and Kramer Junction, approximately nine miles northwest of Hinkley, in San Bernardino County.

The project owner seeks approval for a petition that would allow the project owner to install at MSP a hydrogen generation system, including an electrolyzer that uses electricity from MSP to decompose demineralized water into hydrogen and oxygen. The unit is proposed to be installed in the same location as the MSP's existing hydrogen storage bottles.

II. BACKGROUND

California Code of Regulations, title 20, section 1769 requires a project owner to petition the CEC for the approval of any change it proposes to the project design, operation, or performance requirements of a certified facility. California Code of Regulations, title 20, section 1769(a)(3)(D) allows staff to submit a petition that could be approved by staff such as this one, to the commission for consideration and a decision.

California Code of Regulations, title 14, section 15162(a) specifies that, when an environmental impact report (EIR) has been certified or a negative declaration adopted for a project, a subsequent EIR does not need to be prepared unless the agency determines one or more of the following: (1) substantial changes are proposed that will require major revisions of the EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions to

the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or (3) new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted shows specified significant effects or mitigation measures.

III. STAFF RECOMMENDATION

On May 16, 2022, staff filed their review of the petition and concluded that approving the petition to amend is consistent with the California Code of Regulations, title 20, sections 1769(a)(3)(D) and 1769(a)(4)(A) because the proposed change will: (1) not have a significant effect on the environment; (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards; and (3) not require a change to or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. Additionally, staff determined the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply.

Lastly, staff concluded the proposed change does not meet the criteria requiring the production of subsequent or supplemental review consistent with California Code of Regulations, title 14, section 15162(a).

IV. FINDINGS

Pursuant to California Code of Regulations, title 20, section 1769(a)(4), the CEC concurs with staff's recommendation and finds that the petition to amend will: (1) not have a significant effect on the environment; (2) not cause the project to fail to comply with any applicable laws, ordinances, regulations, and standards; and (3) not require a change to or deletion of a condition of certification adopted by the CEC in the final decision or subsequent amendments. The CEC also concurs with staff's recommendation that the findings required to be made by the CEC pursuant to California Code of Regulations, title 20, section 1769(a)(4)(A), and as specified in California Code of Regulations, title 20, section 1748(b), do not apply. Lastly, the CEC concurs with staff and finds that the proposed change does not meet the criteria requiring the production of subsequent or supplemental review consistent with California Code of Regulations, title 14, section 15162(a).

The CEC hereby adopts staff's recommendation and grants the petition allowing for the installation of a hydrogen generation system, including an electrolyzer that uses electricity from MSP to decompose demineralized water into hydrogen and oxygen.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

Liza Lopez

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: California Schools Healthy Air, Plumbing, and Efficiency Program (20-RENEW-01)

WHEREAS, Assembly Bill 841 (AB 841, Statutes of 2020, Chapter 372), added, among other statutes, Public Utilities Code (PUC) Section 1600 et seq., which directs the State Energy Resources Conservation and Development Commission (CEC) to develop and implement two programs: a program to award grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance; and another program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances; and

WHEREAS, PUC section 1614 directs the CEC to adopt guidelines to establish the eligibility criteria, reporting requirements, and technical standards for these programs: the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation and Plumbing Programs; and

WHEREAS, The CEC, at its June 9, 2021, business meeting adopted the CalSHAPE Plumbing Program Guidelines, and at its June 25, 2021, business meeting adopted the CalSHAPE Ventilation Program Guidelines (collectively referred to as "The Guidelines"); and

WHEREAS, The CEC, at its August 11, 2021, business meeting adopted revisions to The Guidelines to conform with Assembly Bill 137 (AB 137, Statues of 2021, Chapter 77), which expanded the definition in Public Utilities Code Section 1601 of Local Education Agencies—the eligible entities to receive funding under CalSHAPE—to include Regional Occupational Centers; and

WHEREAS, on February 15, 2022, CEC staff hosted a public workshop to solicit feedback on lessons learned during early program implementation; and

WHEREAS, CEC staff considered comments provided by the February 15 workshop participants and proposed further revisions to The Guidelines to expand eligibility, clarify certain acceptable application documents and final invoice requirements, extend the application correction period time, and, for the CalSHAPE Plumbing Program, clarify certain application and payment procedures; and

WHEREAS, the CEC publicly noticed these proposed changes to the Guidelines at least 15 days before the June 8 business in accordance with the requirements in The Guidelines; and

WHEREAS, the CEC's legal office has considered the application of the California Environmental Quality Act (CEQA) to the CEC's adoption of the proposed revisions to The Guidelines and opined that the CEC's adoption of these revisions is exempt from CEQA under title 14, California Code of Regulations, sections 15301, 15302, and 15303; and

RESOLVED, The CEC hereby finds the adoption of the proposed revisions to The Guidelines to be exempt from CEQA under title 14, California Code of Regulations, sections 15301, 15302, and 15303; adopts the proposed revisions to The Guidelines, which, for the CalSHAPE Plumbing Program, shall apply to all applicants and applications, and all existing grant agreements and projects; and delegates the authority and directs the CEC staff to take, on behalf of the CEC, all actions reasonably necessary to implement the revisions to The Guidelines, including, if necessary, making grammatical or other non-substantive, minor changes to The Guidelines as needed.

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

2022 BUILDING ENERGY EFFICIENCY STANDARDS, CALIFORNIA CODE OF REGULATIONS, Title 24, Parts 1 and 6 Docket No. 22-BSTD-02 Docket No. 21-BSTD-04

RESOLUTION CERTIFYING THE ENERGY CONSERVATION MANUAL FOR THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023; and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021, and will go into effect January 1, 2023; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(e), requires the CEC to certify "an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings" no later than 180 days after the California Building Standards Commission approves the Building Energy Efficiency Standards; and

WHEREAS, in order to implement the requirement of section 25402.1(e), CEC staff has developed an energy conservation manual that is comprised of several documents, including Compliance Manuals, which the CEC certified on May 11, 2022, Alternative Calculation Methods (ACM) Reference Manuals, a Data Registry Requirements Manual (DRRM), and other compliance forms (Compliance Documents), all of which contain information to assist designers, builders, and contractors in meeting the Building Energy Efficiency Standards, including forms, charts, and other data; and

WHEREAS, in order to develop the updated ACM, DRRM, and Compliance Documents, CEC staff conducted an extensive public process, inviting people with knowledge of and interest in the Building Energy Efficiency Standards to review and comment on the updated ACM, DRRM, and Compliance Documents, and revised the ACM, DRRM, and Compliance Documents to respond to the comments that were received; and

WHEREAS, the CEC commends the work of its staff, its contractors, and utility sponsors of specific provisions of the Building Energy Efficiency Standards, to develop the updated ACM, DRRM, and Compliance Documents and revise them to respond to commenters; and

WHEREAS, the CEC further commends the commenters for devoting their time to provide valued input to the California Energy Commission so that the updated ACM, DRRM, and Compliance Documents can be effective in facilitating efficiency and successful implementation of the 2022 Building Energy Efficiency Standards; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the ACM, DRRM, and Compliance Documents and finds that the ACM, DRRM, and Compliance Documents do not meet the definition of a "project" under Public Resources Code section 21065, because they have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the ACM, DRRM, and Compliance Documents were to considered a project, then the project would fall under the "common sense exemption" in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the ACM, DRRM, and Compliance Documents would have an significant effect on the environment; and

WHEREAS, the CEC has considered staff's proposed updates to the ACM, DRRM, and Compliance Documents and finding that their certification is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff's finding that the ACM, DRRM, and Compliance Documents are not subject to CEQA because they do not meet the definition of a "project" as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the ACM, Publication Numbers CEC-400-2022-008-CMD and CEC-400-2022-009-CMD, used as an instructional guide that outlines instructions for the public domain software that is used to demonstrate compliance under the performance pathway in the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the DRRM, Publication Number CEC-400-2022-011, used as an informational resource for Data Registry Providers to aid in the design and implementation of software procedures and user interface features for data registries; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the Compliance Documents, used as a tool to assist designers and installers to demonstrate that their designs comply with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced documents available and in good form, including but not limited to correcting typographical and other non-substantive errors.

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

2022 BUILDING ENERGY EFFICIENCY STANDARDS, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1 AND 6 Docket No. 22-BTSD-02

RESOLUTION APPROVING THE 2022 PUBLIC DOMAIN RESIDENTIAL (CBECC-RES 2022.1.0) AND NONRESIDENTIAL AND MULTIFAMILY (CBECC 2022.1.0) COMPLIANCE SOFTWARE

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

WHEREAS, these standards were approved by the California Building Standards Commission on December 14, 2021, and will go into effect January 1, 2023; and

WHEREAS, the Warren-Alquist Act, in Public Resources Code section 25402.1(a), requires the CEC to develop a public computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings; and

WHEREAS, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance residential software (CBECC-Res 2022.1.0), which is used to estimate energy consumed by single-family residential buildings and demonstrate compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

WHEREAS, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance nonresidential software (CBECC 2022.1.0), which is used to estimate energy consumed by nonresidential and multifamily residential buildings and demonstrate compliance with the performance-based nonresidential and multifamily provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

WHEREAS, as part of developing a public domain computer program, CEC staff has reviewed and tested CBECC-Res 2022.1.0 and CBECC 2022.1.0 to ensure they meet the requirements, specifications, and criteria for building energy models set forth in the 2022 Alternative Calculation Method Approval Manual; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CBECC-Res 2022.1.0 and the CBECC 2022.1.0 compliance software and finds that the compliance software does not meet the definition of a "project" under Public Resources Code section 21065, because the compliance software have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the compliance software were considered a project, then the project would fall under the "common sense exemption" in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the compliance software would have an significant effect on the environment; and

WHEREAS, the CEC has considered staff's proposed updates to the CBECC-Res 2022.1.0 and the CBECC 2022.1.0 compliance software and finding that its adoption is exempt from CEQA.

THEREFORE, BE IT RESOLVED, that on the basis of the entire record before it, the CEC hereby adopts staff's finding that the CBECC-Res 2022.1.0 and the CBECC 2022.1.0 compliance software are not subject to CEQA because they do not meet the definition of a "project" as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

FURTHER BE IT RESOLVED, that the CEC approves CBECC-Res 2022.1.0 used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that the CEC approves CBECC 2022.1.0 used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

FURTHER BE IT RESOLVED, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced software available and maintain the software in good form, including but not limited to releasing bug fixes, correcting calculation and analytical errors, necessary ongoing software updates, user interface changes, and other minor updates.

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

LizaLopez

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: SOLID ENERGIES, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-039 with Solid Energies Inc. for a \$3,000,000 grant to develop and integrate a new class of all-solid-state Lithium-ion battery cells with higher power density and better manufacturing for electric vehicle (EV) and stationary storage applications. This battery achieves the listed advantages with a combination of a novel polymer-composite based solid-state electrolyte, innovative composite electrodes, and a silicon-based composite anode; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

Liza Lopez

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ENZINC INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-034 with Enzinc Inc. for a \$1,807,600 grant to scale development of Enzinc's zinc metal sponge anode and integrate and test it in a full battery cell and battery pack. There are two primary solutions to stationary energy storage for discharge times between two hours and twelve hours: lead-acid and lithium-based batteries, each of which has limitations. Enzinc has developed a zinc-based battery that combines the low cost and dependability of lead-acid batteries with the performance of lithium-based batteries; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: LOOKIN, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-035 with Lookin, Inc. for a \$999,947 grant to produce a high-throughput terahertz scanner for in-line quality control of battery electrodes, which improves manufacturing capability to deliver high power batteries with better shelf life, increased safety, lower cost, and decreased production lead-time. Lookin's breakthrough terahertz scanner technology addresses the limitations of existing terahertz scanners by providing 1000-times higher sensitivity and scanning speed through a patented terahertz transceiver technology; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ELEMENT 16 TECHNOLOGIES, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-036 with Element 16 Technologies, Inc. for a \$1,000,000 grant to enable electrification of industrial processes with low-cost sulfur electric thermal energy storage, and adopting staff's determination that this action is exempt from CEQA. The proposed research and development activities and pilot testing will validate the capability of molten sulfur thermal energy storage to store electricity and discharge heat for various industrial applications including process heat, cooling, and electricity generation; and

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

<u>CERTIFICATION</u>

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: PYRO-E, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-040 with Pyro-E, Inc. for a \$1,548,602 grant to deploy a novel Auto-Modulating Power Source (AMPS) device that will demonstrate water and cost savings across approximately 150 affordable housing units in Los Angeles. The AMPS technology powers wireless data sensors indefinitely by harnessing energy from water pressure. The bill savings from water and avoidance of lithium battery replacements will be scalable to over two-thirds of California households to meet Assembly Bill 758 mandates and municipal green initiatives; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: EAGLE ROCK ANALYTICS

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-037 with Eagle Rock Analytics for a \$900,000 grant to develop stakeholder-informed data products and research on climate-related changes to availability and distribution of solar, wind, and hydroelectric generation through mid-century. This research will leverage state-of-the-art climate projections and expand the understanding of climate-related phenomena that affect solar and wind resources in California, including climate extremes, compound and cascading events, and high-stress weather and climate events to support a high-renewables, reliable, and cost-effective electricity grid; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

Liza Lopez

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: EAGLE ROCK ANALYTICS

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-038 with Eagle Rock Analytics for a \$750,000 grant to enhance the Cal-Adapt's web application to accommodate an increase in the volume of climate-related data produced through Electric Program Investment Charge initiatives, develop and execute new stakeholder-informed scientifically rigorous climate visualizations and tools. The effort will advance California's electricity sector's capacity to incorporate climate into investments, planning, and rulemaking, including supporting California's Fifth Climate Change Assessment; and

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

<u>CERTIFICATION</u>

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

Liza l*ø*pez

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ENERGY & ENVIRONMENTAL ECONOMICS, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement EPC-21-041 with Energy & Environmental Economics, Inc. for a \$1,950,000 grant to provide a foundation to assess and improve the climate resilience of California's electricity system in transition through the creation of novel datasets and tools that support energy system planning. Energy & Environmental Economics will update energy system models to incorporate climate data, increase the spatial extent to best capture climate impacts, and incorporate uncertainty and risk modeling to address climate uncertainty; and

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

<u>CERTIFICATION</u>

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: SOUTHERN CALIFORNIA GAS COMPANY

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 PIR-21-003 with Southern California Gas Company for a \$750,000 grant to address key challenges associated with developing a low carbon hydrogen production system that is also cost-effective and scalable: and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ELECTRO-ACTIVE TECHNOLOGIES, 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 PIR-21-007 with Electro-Active Technologies Inc. for a \$573,714 grant to develop and advance a microbial electrolysis technology for conversion of 100 percent renewable organic waste into low carbon hydrogen. This project will significantly reduce electricity consumption for hydrogen production compared to water electrolysis, use food waste, reduce GHGs, and provide a modularized system for onsite or near-site application; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ON BEHALF OF THE LOS ANGELES CAMPUS

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 PIR-21-006 with The Regents of the University of California, on behalf of the Los Angeles Campus, for a \$1,000,000 grant to integrate corrosion detection technologies, corrosion risk assessment methodologies, and risk management optimization approaches to create a new corrosion risk management approach; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: THE REGENTS OF THE UNVERSITY OF CALIFORNIA AS MANAGEMENT AND OPERATING CONTRACTOR FOR THE ERNEST ORLANDO LAWRENCE BERKELEY NATIONAL LABORATORY

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement PIR-21-008 with The Regents of the University of California as management and operating contractor for the Ernest Orlando Lawrence Berkeley National Laboratory for a \$2,000,000 grant to conduct applied research to improve the characterization of residential methane emissions in California homes, and adopting staff's determination that this action is exempt from CEQA. The study will help improve California's methane emission inventory, quantify the benefits of decarbonization in buildings, and inform the development of costeffective programs to reduce methane emissions from the residential building sector; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: ARUP US, INC.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves Agreement 400-21-005 with Arup US, Inc. for a three-year, \$1,800,000 contract to lead a team of professional architectural and engineering consultants to provide technical support for evaluating and implementing strategies to advance the decarbonization of residential and nonresidential buildings and to increase Energy Code compliance; and

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

<u>CERTIFICATION</u>

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 June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

Liza løpez

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: MUNICIPAL EQUIPMENT MAINTENANCE ASSOCIATION, 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-21-068 with the Municipal Equipment Maintenance Association, Inc. for a \$500,000 grant to develop curricula and conduct technician training on ZEV and charging infrastructure for public and private fleets in and near the City of Long Beach; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: THE LATINO EQUITY ADVOCACY & POLICY INSTITUTE

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-21-069 with The Latino Equity Advocacy & Policy Institute for a \$499,957 grant to develop and conduct EV and electric vehicle supply equipment assessment, training, and outreach; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE

STATE OF CALIFORNIA

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: SUNLINE TRANSIT AGENCY

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-21-070 with SunLine Transit Agency for a \$500,000 grant to plan and conduct ZEV transit training workshops throughout the state; and

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

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on June 8, 2022.

AYE: Hochschild, McAllister, Vaccaro

NAY: NONE

ABSENT: Gunda, Monahan

ABSTAIN: NONE