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| Document Title: | Resolutions of the June 16 2023 Business Meeting |
| Description: | N/A |
| Filer: | Kristine Banaag |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
| Submission Date: | 6/19/2023 11:22:37 AM |
| Docketed Date: | 6/19/2023 |

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Cerritos Community College 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 approving amendment number 2 to agreement 600-18-006 with Cerritos Community College District to add \$1 million to the budget, extend the agreement by 24 months, update the scope of work, and add special terms and conditions. These changes will support the Electric School Bus Training Project with Cerritos College to provide training for more schools, develop additional training modules, and increase the frequency of training; 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 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Alliance for Sustainable Energy, LLC (Alliance)

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 600-22-008 with Alliance, manager and operator of the U.S. Department of Energy's National Renewable Energy Laboratory, for a \$375,000 contract to provide modeling support for the CTP. Alliance will prepare a benefits assessment report and develop additional model runs for the Electric Vehicle Infrastructure-Pro model to support the Assembly Bill 2127 (Ting, Chapter 365, Statutes of 2018) charging infrastructure assessment; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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: Herter Energy Research Solutions

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 400-22-002 with Herter Energy Research Solutions for a \$1,200,000 contract to lead a team of professional architectural and engineering consultants to provide technical support for developing, updating, and maintaining regulatory standards for flexible demand features and technologies in consumer and commercial appliances; and

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

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Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Parlier 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 agreement 009-22-ECG with the Parlier Unified School District, in Fresno County, for a \$3,000,000 loan at zero-percent interest to install three carport solar photovoltaic (PV) arrays totaling 525.4 kW at three district sites. Upon project completion, it is estimated to reduce about 849,486 kWh of grid electricity consumption in the first year of solar production, saving approximately \$201,750 in utility costs per year. The simple payback period is approximately 14.9 years; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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: Campbell 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 008-22-ECG with Campbell Union High School District, in Santa Clara County, for a \$2,559,623 loan at zero-percent interest to retrofit existing lighting to LED lighting at seven sites. Upon project completion, it is estimated to save 903,653 kwh annually, saving approximately \$196,638 in utility costs per year. The simple payback period is approximately 13 years; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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: Family Health Centers of San Diego, Inc. (Family Health Centers)

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 mutual termination for agreement EPC-21-025 with Family Health Centers. The grant was to design a replicable, low-income, multifamily development in an economically distressed and polluted area of San Diego. The CEC awarded \$1,000,000, and dispensed \$18,199 of the grant amount. Family Health Centers could not fulfil their obligations under the agreement due to high inflationary costs and insufficient access to funds; and

FURTHER BE IT RESOLVED, that the Executive Director or their 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: The Regents of the University of California, on behalf of the Davis 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 600-22-009 with the Regents of the University of California, on behalf of the Davis Campus (UCD) for a \$953,168 contract for UCD's Plug-In Hybrid & Electric Vehicle Research Center to research electric vehicle charger reliability through field testing chargers operating in California. This contract will focus on characterizing the extent and nature to which chargers in California are able to successfully charge consumers' electric vehicles as well as the failure modes that lead to unsuccessful charges; and

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

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AYE: Hochschild, McAllister, Gallardo, Gunda,

NAY:

ABSENT: Monahan

ABSTAIN:

Dated: June 19, 2023

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Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Los Gatos Tomato Products, LLC

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-22-007 with Los Gatos Tomato Products, LLC for a \$4,601,285 grant to fund an upgrade of the existing evaporator system with advanced multi-effect evaporation and mechanical vapor recompression technology at Los Gatos Tomato Products' tomato processing facility in Huron, California. This upgraded evaporation system will significantly reduce the overall natural gas usage, GHG emissions, and water use at the existing facility; and

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

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Dated: June 19, 2023

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Kristine Banaag
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: WWF Operating Company, LLC

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-22-005 with WWF Operating Company, LLC for a \$704,264 grant to install and operate two heat recovery systems to reduce GHG emissions at WWF Operating Company's dairy processing facility in the City of Industry. One system will repurpose waste steam condensate created during the direct contact sterilization stage while the other system captures flue-gas heat from the boiler. This project will demonstrate the potential of heat recovery systems to reduce GHG emissions, gas use, water consumption, and operating costs. This project is also expected to provide benefits to priority populations through criteria pollutant emission reductions; and

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

CERTIFICATION

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AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

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Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: OWB Packers, LLC

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-22-006 with OWB Packers, LLC for a \$1,100,000 grant to install and operate energy efficient boiler feed water pumps, controls, packaging shrink tunnels and vacuum, hydraulic, and air handling systems to reduce GHG emissions at OWB Packers LLC's meat processing facility in Brawley. This project will demonstrate the potential of energy efficient upgrades to reduce GHG emissions, gas use, water consumption and operating costs; and

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

CERTIFICATION

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AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

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Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Pacific Coast Producers

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-22-009 with Pacific Coast Producers for a \$419,250 grant to implement a project to capture and use waste steam condensate to reduce process energy at Pacific Coast Producers' fruit processing facility in Oroville. This project will demonstrate the potential of the condensate recovery system to reduce GHG emissions, gas use, water consumption, and operating costs at the food processing facility. This project is also expected to provide benefits to priority populations through criteria pollutant emission reductions; and

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

CERTIFICATION

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AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

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ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

RESOLUTION NO: 23-0616-03h(i)

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN CITY OF SOLANA BEACH'S ORDINANCE NO. 528 SATISFY
STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION
25402.1(h)(2)**

WHEREAS, The City of Solana Beach adopted Ordinance No. 528, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, The City of Solana Beach submitted an application to the CEC that included (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 528 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 528 will require the diminution of energy consumption levels compared to the Building Energy Efficiency Standards, as required by California Code of Regulations, Title 24, section 10-106, on February 8, 2023; and

WHEREAS, The CEC has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 528 will require the diminution of energy consumption levels compared to the Building Energy Efficiency Standards, and determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b) requires that the local governmental agency's application include any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq; and

WHEREAS, The City of Solana Beach, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4).

THEREFORE, BE IT RESOLVED, that the CEC finds the locally adopted energy efficiency and conservations standards application filed by the City of Solana Beach satisfy the requirements of Title 24, California Code of Regulations, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) the City of Solana Beach Has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 528 are cost-effective, and (2) Ordinance No. 528 will require the diminution of energy consumption levels compared to the Building Energy Efficiency Standards; and

THEREFORE, BE IT FURTHER RESOLVED, that the CEC directs the executive director or their designee to take all actions necessary to implement this Resolution.

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 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS
CONTAINED IN COUNTY OF LOS ANGELES'S ORDINANCE NO. 2022-0056
SATISFY STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE
SECTION 25402.1(h)(2)**

WHEREAS, The County of Los Angeles adopted Ordinance No. 2022-0056, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, The County of Los Angeles submitted an application to the CEC that included (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2022-0056 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 2022-0056 will require the diminution of energy consumption levels compared to the Building Energy Efficiency Standards, as required by California Code of Regulations, Title 24, section 10-106, on February 22, 2023; and

WHEREAS, The CEC has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 2022-0056 will require the diminution of energy consumption levels compared to the Building Energy Efficiency Standards, and determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b) requires that the local governmental agency's application include any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq; and

WHEREAS, The County of Los Angeles, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4); and

THEREFORE, BE IT RESOLVED, that the CEC finds the locally adopted energy efficiency and conservation standards application filed by the County of Los Angeles satisfy the requirements of Title 24, California Code of Regulations, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) the County of Los Angeles has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 2022-0056 are cost-effective, and (2) Ordinance No. 2022-0056 will require the diminution of energy consumption levels compared to the Building Energy Efficiency Standards.

THEREFORE, BE IT FURTHER RESOLVED, that the CEC directs the executive director or their designee to take all actions necessary to implement this Resolution.

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 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION CERTIFYING THE SINGLE-FAMILY RESIDENTIAL ALTERNATIVE
CALCULATION REFERENCE MANUAL AND NONRESIDENTIAL AND
MULTIFAMILY ALTERNATIVE CALCULATION REFERENCE MANUAL FOR THE
2022 BUILDING ENERGY EFFICIENCY STANDARDS

WHEREAS, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Part 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 went 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 residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, 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, the CEC certified the energy conservation manual at its May 11, 2022, and June 8, 2022, business meetings; and

WHEREAS, to respond to necessary changes to California’s Building Energy Code Compliance Software (2022 compliance software), CEC staff developed updated content for the Single-Family Alternative Calculation Reference Manual, Publication Number CEC-400-2022-008-CMF-REV2 and the Nonresidential and Multifamily Alternative Calculation Reference Manual, Publication Number CEC-400-2022-009-CMF-REV2 (collectively the “ACM Reference Manuals”), which document the modeling methods used in the 2022 compliance software, which demonstrates performance compliance with the 2022 Building Energy Efficiency Standards; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the updated ACM Reference Manuals and finds that the updated ACM Reference Manuals do not meet the definition of a “project” under Public Resources Code, section 21065, because the updated ACM Reference Manuals 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 update ACM Reference Manuals 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 updated ACM Reference Manuals would have an significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the ACM Reference Manuals and staff’s 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 updated ACM Reference Manuals 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 (Cal. Code Regs., tit 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

THEREFORE, BE IT RESOLVED, that the CEC hereby certifies the updated Single-Family Alternative Calculation Reference Manual, Publication Number CEC-400-2022-008-CMF-REV2, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the CEC hereby certifies the updated Nonresidential and Multifamily Alternative Calculation Reference Manual, Publication Number CEC-400-2022-009-CMF-REV2, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

FURTHER BE IT RESOLVED, that the updated ACM Reference Manuals and other related documents and materials can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number 22-BSTD-02 <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02>; 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 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

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ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING UPDATED 2022 PUBLIC DOMAIN RESIDENTIAL
(CBECC-RES 2022.3.0) AND NONRESIDENTIAL AND MULTIFAMILY
(CBECC 2022.3.0) 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 went 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, Part 1 Chapter 10 and Part 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 and multifamily 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, Part 1 Chapter 10 and Part 6; and

WHEREAS, CEC approved CBECC-Res 2022.1.0 and CBECC 2022.1.0 at the June 8, 2022, CEC business meeting; CBECC-Res 2022.2.0 and CBECC 2022.2.0 at the October 12, 2022, CEC business meeting; and the Executive Director approved minor updates to CBECC-Res 2022.2.0 and CBECC 2022.2.0, CBECC-Res 2022.2.1, and CBECC 2022.2.1, on January 23, 2023; and

WHEREAS, to respond to stakeholder comments, CEC developed the updated CBECC-Res 2022.3.0 and CBECC 2022.3.0; and

WHEREAS, as part of developing the updated public domain computer program, CEC staff has reviewed and tested CBECC-Res 2022.3.0 and CBECC 2022.3.0 to ensure they meet the requirements, specifications, and criteria for building energy models set forth in the 2022 Alternative Calculation Method (ACM) Approval Manuals; and

WHEREAS, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CBECC-Res 2022.3.0 and the CBECC 2022.3.0 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 has 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 a significant effect on the environment; and

WHEREAS, the CEC has considered staff’s proposed updates to the CBECC-Res 2022.3.0 and the CBECC 2022.3.0 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 2022.3.0 and the CBECC 2022.3.0 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 2022.3.0 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 2022.3.0 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 pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC-Res 2022.2.0, CBECC-Res 2022.2.1, and any other alternative calculation methods incorporating the previously approved compliance software 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 for permit applications made on or after October 1, 2023; and

FURTHER BE IT RESOLVED, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC 2022.2.0, CBECC 2022.2.1, and any other alternative calculation methods incorporating the previously approved compliance software 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 for permit applications made on or after October 1, 2023; and

FURTHER BE IT RESOLVED, that documents and other materials that related to the approval of CBECC-Res 2022.3.0 and CBECC 2022.3.0 can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number 22-BSTD-02
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02>; and

FURTHER BE IT RESOLVED, that CBECC-Res 2022.3.0 and CBECC 2022.3.0 can be found online at the 2022 Energy Code Compliance Software website
<https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>; 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 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Resources Systems Group, 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 800-22-009 with Resource Systems Group, Inc. for \$1,179,768 contract to conduct a survey of residential and commercial light duty vehicle buyers in California. The survey data is used to build vehicle choice models that assess consumer response to different policy incentives, as well as consumer preferences for different vehicle technologies, including autonomous vehicles. The survey will also seek consumer feedback on vehicle-to-grid technologies; 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 16, 2023.

AYE: Hochschild, McAllister, Gunda, Gallardo, Monahan

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Form Energy, Inc.

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

RESOLVED, that the CEC approves Agreement LDS-22-004 with Form Energy, Inc. for a \$79,600 grant to conduct a use case and market analytics assessment and prepare for commercial deployment of a 5 MW (500 MWh), non-lithium-ion, LDES. This project will assess the capability of an iron-air, multi-day storage system to both support the integration of intermittent renewable resources and provide multiple days of continuous, zero-carbon power to the 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 16, 2023.

AYE: Gunda, McAllister, Gallardo, Monahan, Hochschild

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION READOPTING AMENDMENTS TO APPENDIX B AFTER SUPPLEMENTING
THE INITIAL STATEMENT OF REASONS**

WHEREAS, On October 12, 2022, the California Energy Commission (CEC) adopted the proposed regulatory changes to California Code of Regulations, title 20, Appendix B at the CEC's publicly noticed business meeting through a resolution; and

WHEREAS, On October 28, 2022, the CEC submitted the final rulemaking package which contained the adopted Appendix B amendments to the Office of Administrative Law (OAL); and

WHEREAS, On December 14, 2022, the CEC withdrew the amendments to Appendix B from consideration by OAL in order to supplement the initial statement of reasons by providing additional information in the necessity sections of the document; and

WHEREAS, on April 26, 2023, the CEC mailed to the subscription service, including to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action, and posted on the CEC's website a notice of a 15-day public comment period on the supplemental initial statement of reasons with revised comprehensive necessity sections. The notice indicated that the previously adopted amendments were unchanged except for some non-substantive post adoption edits. All other rulemaking related documents from the original rulemaking were incorporated by reference; and

WHEREAS, on May 11, 2023, the 15-day written comment period established in the notice closed and one comment letter was received from a group of conservation organizations; and

WHEREAS, on June 5, 2023, the CEC provided notice designating June 16, 2023, as the date for the business meeting to consider readoption of the amendments to Appendix B considering the revised necessity section of the supplemental initial statement of reasons, any comments received and any staff responses; and

WHEREAS, on June 16, 2023, the CEC considered readopting the proposed amendments to Appendix B at its business meeting and readopted the proposed amendments to Appendix B as published on April 26, 2023, with the notice of public comment on the supplemental initial statement of reasons.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed regulations and concluded that the proposed regulations are not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the readoption of the regulations will not result in a physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, readoption is exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

With regard to the Administrative Procedure Act:

- The CEC's prior findings made during the original adoption of the Appendix B amendments as set forth in Resolution No. 22-1012-10 (TN 246550) are incorporated by reference; and
- The revised necessity sections in the supplemental initial statement of reasons continue to support the basis for amending Appendix B; and
- None of the comments received on the supplemental initial statement of reasons and the necessity section during the comment period or at the business meeting, and nothing else in the record, justify not readopting the Appendix B amendments.

THEREFORE, BE IT RESOLVED that, based on the entire record before it, the CEC finds that the proposed regulations are not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the regulations will not result in a direct physical change to the environment or reasonably foreseeable indirect physical change to the environment. In the alternative, adoption is exempt from the CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

FURTHER BE IT RESOLVED that, after considering all comments received and based on the entire record of this proceeding, the CEC hereby readopts the amendments to Appendix B as published on April 26, 2023. The CEC takes this action under the authority of sections 25213 and 25218(e) of the Public Resources Code, which authorize the CEC to adopt rules or regulations, as reasonable and necessary, to implement Public Resources Code sections 25520 and 25545.2; and

FURTHER BE IT RESOLVED that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in [Docket Number 21-OIR-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-04), at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-04> and posted on the CEC's website.

FURTHER BE IT RESOLVED that the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the readopted Appendix B regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Supplemental Final Statement of Reasons; compiling and submitting the rulemaking file to OAL; making any changes to the rulemaking file required by OAL; and filing a notice of exemption with the Office of Planning and Research.

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 16, 2023.

AYE: Gallardo, McAllister, Gunda, Monahan, Hochschild

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: LICAP 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-22-016 with LICAP Technologies, Inc. for a \$2,927,155 grant to fund the build-out of a low-rate initial production pilot line in Sacramento for battery electrode production using LICAP's innovative Activated Dry Electrode process. LICAP's patented electrode production process offers significant advantages over the traditional "wet coating" process including lower energy consumption, reduced amount of CO2 emissions, lower manufacturing footprint, improved battery performance, and elimination of toxic solvents from electrode manufacturing; 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 16, 2023.

AYE: Hochschild, McAllister, Gallardo, Gunda, Monahan

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Moxion Power Co.

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 ZVI-22-039 with Moxion Power Co. for a \$14,999,997 grant to expand battery module manufacturing operations in Richmond. Upon completion, the battery modules will be integrated into a mobile charging system that is capable of charging battery electric vehicles; 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 16, 2023.

AYE: Monahan, Gallardo, McAllister, Gunda, Hochschild

NAY:

ABSENT:

ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: FirstElement Fuel, 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 ZVI-22-038 with FirstElement Fuel, Inc. for a \$7,747,740 grant to expand manufacturing of hydrogen refueling station (HRS) modules and cryogenic hydrogen pumps in Santa Ana and expand testing capabilities of the HRS equipment in Livermore. This project will create a new manufacturing line for light-duty vehicle HRS equipment that will achieve an annual production capacity of 100 light-duty vehicle modules or 10 heavy-duty vehicle modules; 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 16, 2023.

AYE: Monahan, Gallardo, McAllister, Gunda, Hochschild
NAY:
ABSENT:
ABSTAIN:

Dated: June 19, 2023

SIGNED BY:

Kristine Banaag
Secretariat