

California Energy Commission
Alternative and Renewable Fuel and Vehicle Technology
Program
Advisory Committee Roles and Responsibilities

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I. Background and Purpose

Assembly Bill (AB) 118 (Nunez, Chapter 750, Statutes of 2007) created the Alternative and Renewable Fuel and Vehicle Technology Program (hereinafter “Program”) to be administered by the California Energy Commission (Energy Commission).¹ AB 118 authorizes the Energy Commission approximately \$120 million annually to award as grants, revolving loans, loan guarantees and other appropriate measures to qualified entities to develop and deploy innovative fuel and vehicle technologies that will help achieve California’s petroleum reduction, air quality, and climate change goals, without adopting or advocating any one preferred fuel or technology. Projects eligible for funding shall comply with the requirements of Health and Safety Code section 44271(b), and shall not include projects required to be undertaken pursuant to state or federal law or district rules or regulations.²

As part of the Program, AB 118 also directs the Energy Commission to create an advisory body (hereinafter “Advisory Committee”) to help develop an Investment Plan. The Investment Plan will establish priorities and opportunities for the Program, and describe how funding will complement existing public and private investments, including existing state programs. The Investment Plan will be updated annually by the Energy Commission.

Under the Program, the following shall be eligible for funding:³

- Alternative and renewable fuel projects to develop and improve alternative and renewable low-carbon fuels;
- Demonstration and deployment projects that optimize alternative and renewable fuels for existing and developing engine technologies;
- Projects to produce alternative and renewable low-carbon fuels in California;
- Projects to decrease the overall impact of an alternative and renewable fuel’s life-cycle carbon footprint and increase sustainability;
- Alternative and renewable fuel infrastructure, fueling stations, and equipment;
- Projects to develop and improve light-, medium-, and heavy-duty vehicle technologies that provide for better fuel efficiency and lower greenhouse gas emissions, alternative fuel usage and storage, or emission reductions;

¹ Health and Safety Code, section 44270 et seq.

² Health and Safety Code, section 44271(c).

³ See Health and Safety Code, section 44272 (c) for a detailed list of eligible projects.

- Programs and projects that accelerate the commercialization of vehicles and alternative and renewable fuels including buy-down programs through near-market and market-path deployments, advanced technology warranty or replacement insurance, development of market niches, and supply-chain development;
- Program and projects to retrofit medium-and heavy-duty on-road and non-road vehicle fleets with technologies that create higher fuel efficiencies, including alternative and renewable fuel vehicles and technologies, idle management technology, and aerodynamic retrofits that decrease fuel consumption;
- Infrastructure projects that promote alternative and renewable fuel infrastructure development connected with existing fleets, public transit, and existing transportation corridors;
- Workforce training programs related to alternative and renewable fuel feedstock production and extraction, renewable fuel production, distribution, transport, and storage, high-performance and low-emission vehicle technology and high tower electronics, automotive computer systems, mass transit fleet conversion, servicing, and maintenance, and other sectors or occupations related to the purpose of the Program; and
- Block grants administered by not-for-profit technology consortia for multiple projects, education and Program promotion within California, and development of alternative and renewable fuel and vehicle technology centers.

II. Advisory Committee Membership

The Advisory Committee membership shall include, but is not limited to, representatives of fuel and vehicle technology consortia, labor organizations, environmental organizations, community-based justice and public health organizations, recreational boaters, consumer advocates, academic institutions, workforce training groups, and private industry. The Advisory Committee shall also include representatives from the Resources Agency, the Business, Transportation and Housing Agency, the Labor and Workforce Development Agency, and the California Environmental Protection Agency.

The Energy Commission is sensitive to the perception that, by serving on the Advisory Committee, members could unfairly influence Program funding decisions. However, it is important to ensure that the Advisory Committee includes the technical expertise of representatives of fuel and vehicle technology consortia. To balance these interests, the Energy Commission adopts the following policies for participation on Advisory Committee for the 2010-2011 Investment Plan.

Organizations and individuals other than state agencies participating on the Advisory Committee will be ineligible to apply for or receive funding from the Energy Commission through this Program. However, members of a trade or industry group with one or more representatives on the Advisory Committee are eligible to apply for and potentially receive Program funding, as are entities

affiliated with or employing an individual serving on the Advisory Committee as representative of a trade or industry group. Entities that have received financial support from organizations and individuals participating on the Advisory Committee are also eligible to apply for and potentially receive Program funding.

The Advisory Committee will hold regularly scheduled public meetings that are subject to the Bagley-Keene Open Meeting Act.⁴ Requirements under the Act include the following:

- All meetings⁵ must be open to the public;
- Notice of meetings must be provided to anyone who requests the notice in writing;
- Notice of meetings must be given and posted on the Internet at least 10 days in advance of any meetings;
- Meeting notices must include a specific agenda; and
- Actions cannot be taken on items that do not appear on the agenda except in certain very limited circumstances (i.e. emergency).

The Advisory Committee will meet at least twice per year, or more often as needed. A transcript of all Advisory Committee meetings will be taken and posted on the Energy Commission's website. On occasion, conference calls may be organized and scheduled for the Advisory Committee. If this occurs, the requirements of Government Code, section 11123 for teleconference meetings will apply, including logistics for public participation.

Regular attendance and participation at Advisory Committee meetings is essential for effective participation. Each Advisory Committee member is responsible for attending and actively participating in meetings, reviewing and being familiar with materials provided before meetings, and soliciting and sharing input with other members. By accepting an invitation to serve on the Advisory Committee, the Advisory Committee member agrees to fulfill these responsibilities to the best of his or her ability.

III. Advisory Committee Role and Responsibilities

The Advisory Committee is composed of individuals from a wide range of interests that can provide advice and guidance to the Energy Commission on matters relative to their respective interests. Advisory Committee members shall assist the Energy Commission in the development of an Investment Plan in accordance with Health and Safety Code section 44271.5 to determine priorities and opportunities for the Program. All Program decision-making rests with the Energy Commission, including the determination of priorities and opportunities in the Investment Plan and the scoring, ranking and selection of proposals for funding awards.

⁴ Government Code, section 11120 et seq.

⁵ Unless otherwise specified, meetings will include Advisory Committee meetings and subcommittee meetings.

Information provided by the Advisory Committee members shall be advisory only and limited to input on the development of the Investment Plan. Members of the Advisory Committee shall not serve in the capacity of staff of the Energy Commission and shall have no authority to negotiate or otherwise act on behalf of the Energy Commission.

Advice and guidance from the Advisory Committee shall be provided only in public meetings or conference calls convened by the Energy Commission. The Advisory Committee may provide advice on the following topics as related to the Investment Plan:

- Public and private sources of funding, availability and applicability of these sources for the purposes of the Program, and contact information;
- Other financial tools that are available besides grants and loans that can be used to support the objectives of the Program, and the most effective application of grants, loans and other appropriate measures to advance the market penetration of the myriad alternative, renewable and other innovative fuel and vehicle technology options;
- State of technological development of alternative, renewable and other innovative fuel and vehicle technologies, current level of research, development and demonstration support for these technologies, and need for Program support to move these technologies into the market place;
- The effectiveness and magnitude of individual alternative, renewable and other innovative fuel and vehicle technologies to reduce petroleum use, improve air quality and lower greenhouse gas emissions;
- Market applications for alternative, renewable and other innovative fuel and vehicle technologies that can simultaneously maximize petroleum reduction, air quality improvement, and greenhouse gas reduction;
- Market niche applications for alternative, renewable and other innovative fuel and vehicle technologies;
- Coordination with other states to increase the synergy of reducing petroleum use, expanding the use of alternative fuels, improving air quality and lowering greenhouse gas emissions;
- The state of commercial use of alternative, renewable and other innovative fuel and vehicle technologies and the need for Program support to expand their use;
- Analytical and other technical support that will be needed to more clearly delineate the issues and opportunities associated with alternative, renewable and other innovative fuel and vehicle technologies;
- Job skills needed to support an expanding poly-fuel transportation market and current availability of training for these skills; and
- Public and private sources of funding available for job training, applicability to the purpose of the Program, contact information, and the need for Program support to help expand the skilled job pool needed for the future transportation market.

The Energy Commission may seek advice and guidance from the Advisory Committee on other topics as related to the Investment Plan.

IV. Energy Commission Responsibilities

The Presiding Member of the Energy Commission's Transportation Policy Committee will chair the public meetings of the Advisory Committee on behalf of the Energy Commission. The Energy Commission will provide proper notice of and an agenda for all Advisory Committee meetings and conference calls, provide Advisory Committee members necessary materials, ensure that stakeholders and the public have ample opportunity to comment at all Advisory Committee meetings and conference calls. The Energy Commission encourages full and free public participation. Any person present at an Advisory Committee meeting, conference call, workshop, or hearing shall be afforded a reasonable opportunity to make oral comments.

The Energy Commission shall establish a Docket as a public record for transcripts, and other input from the Advisory Committee, stakeholders and public. The Energy Commission shall provide support and guidance to the Advisory Committee. To that end, Energy Commission will provide logistical support related to attendance at Advisory Committee meetings and conference calls, distribution of materials related to Advisory Committee meetings and conference calls, and assist the Advisory Committee to better understand existing policies and programs. The Energy Commission will review, analyze, and synthesize advice and guidance from the Advisory Committee, stakeholders and public to develop the draft Investment Plan. The Energy Commission will provide an opportunity for comment on the draft Investment Plan by the Advisory Committee, stakeholders and public before it is adopted by the Energy Commission.

V. Applicability of the Political Reform Act

Based on the following reasons, Advisory Committee members are not considered "consultants" under the Political Reform Act and, thus, are not subject to the Act's restrictions or the requirement to file an annual economic interest statement. The reasons they are not "consultants," as that term is defined in regulation⁶, are: (a) they are not authorized to make decisions, enter into contracts, negotiate, or otherwise act on behalf of the Energy Commission, (b) they are not serving in the capacity of staff, and (c) they are not performing the duties of an individual who is holding a position that is designated in the Energy Commission's conflict of interest code. Advisory Committee members are, thus, neither decision-makers nor staff for the Energy Commission. They shall not serve in the capacity of staff of the Energy Commission and shall have no authority to negotiate or otherwise act on behalf of the Energy Commission. They are, specifically, members of an advisory body created by statute for the discrete task of providing input to the Energy Commission in the development of an Investment Plan.

⁶ California Code of Regulations, title 2, section 18701