



October 14, 2019

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

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

1. Consent Calendar.

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

- a. EXECUTIVE DIRECTOR AUTHORITY TO APPROVE SETTLEMENT AGREEMENTS FOR OR OTHERWISE RESOLVE AGREEMENT AUDIT FINDINGS AND PERFORMANCE ISSUES. Proposed order providing the Executive Director, or his or her designee, the authority to approve settlement agreements or otherwise resolve agreement audit findings and performance issues. Contact: Drew Bohan.
- b. SCHOOL BUS REPLACEMENT FOR CALIFORNIA PUBLIC SCHOOL DISTRICTS, COUNTY OFFICES OF EDUCATION, AND JOINT POWER AUTHORITIES, GFO-17-607. This solicitation sought proposals to replace old, diesel-powered school buses with clean, all-electric school buses and install supporting charging infrastructure. (Clean Energy Job Creation Fund and Clean Transportation Program funding) Contact: Manuel Aguila.
 - i. SEQUOIA UNION HIGH SCHOOL DISTRICT. Proposed resolution approving Agreement ARV-19-071 with Sequoia Union High School District for \$1,317,956 to replace four old, diesel-powered school buses with four clean, all-electric school buses; and install supporting charging infrastructure; and adopting staff's determination that the installation of the charging infrastructure is exempt from the California Environmental Quality Act (CEQA).
 - ii. FALL RIVER JOINT UNIFIED SCHOOL DISTRICT. Proposed resolution approving Agreement ARV-19-073 with Fall River Joint Unified School District for \$390,109 to replace one old, diesel-powered

- school bus with one clean, all-electric school bus; and install supporting charging infrastructure; and adopting staff's determination that the installation of the charging infrastructure is exempt from CEQA.
- iii. ANAHEIM ELEMENTARY SCHOOL DISTRICT. Proposed resolution approving a change to Agreement ARV-19-030 with Anaheim Elementary School District to increase the grant amount by \$390,109 and change the number of all-electric school buses and supporting charging infrastructure being funded from seven to eight; and adopting staff's determination that the installation of the additional charging infrastructure is exempt from CEQA.
 - iv. INGLEWOOD UNIFIED SCHOOL DISTRICT. Proposed resolution approving a change to Agreement ARV-19-018 with Inglewood Unified School District to increase the grant amount by \$390,109 and change the number of all-electric school buses and supporting charging infrastructure being funded from two to three; and adopting staff's determination that the installation of the additional charging infrastructure is exempt from CEQA.
 - v. DURHAM UNIFIED SCHOOL DISTRICT. Proposed resolution approving a change to Agreement ARV-19-057 with Durham Unified School District to increase the grant amount by \$99,590 and change the all-electric school buses being funded from two Type A buses to two Type C buses.
 - vi. GARDEN GROVE UNIFIED SCHOOL DISTRICT. Proposed resolution approving a change to Agreement ARV-19-035 with Garden Grove Unified School District to increase the grant amount by \$375,817, change the number of all-electric school buses and supporting charging infrastructure being funded from five to six, change bus types from Type D buses to Type C buses; and adopting staff's determination that the installation of the additional charging infrastructure is exempt from CEQA.
 - vii. UKIAH UNIFIED SCHOOL DISTRICT. Proposed resolution approving a change to Agreement ARV-19-015 with Ukiah Unified School District to increase the grant amount by \$780,218 and change the number of all-electric school buses and supporting charging infrastructure being funded from two to four; and adopting staff's determination that the installation of the additional charging infrastructure is exempt from CEQA.
 - viii. CHAWANAKEE UNIFIED SCHOOL DISTRICT. Proposed resolution approving Amendment 1 to Agreement ARV-19-044 with Chawanakee Unified School District to increase the grant amount by \$397,470 and change the number of all-electric school buses and supporting charging infrastructure being funded from one to two; and adopting

staff's determination that the installation of the additional charging infrastructure is exempt from CEQA.

- c. **LIGHT DUTY VEHICLE HYDROGEN REFUELING INFRASTRUCTURE OPERATION AND MAINTENANCE SUPPORT, GFO-17-601.** This solicitation sought proposals to provide Operation and Maintenance (O&M) support funding for publicly accessible hydrogen refueling stations that did not receive O&M support or received a portion of the potential \$300,000 in O&M support funding under PON-13-607, Hydrogen Refueling Infrastructure. (Clean Transportation Program funding) Contact: Phil Cazel.
- i. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-19-074 with Air Products and Chemicals, Inc. for a \$66,667 grant to cover operation and maintenance costs of the hydrogen refueling station located at 1819 Cloverfield Boulevard, Santa Monica, CA 90404; and adopting staff's determination that this action is exempt from CEQA.
 - ii. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-19-076 with Air Products and Chemicals, Inc. for a \$145,000 grant to cover O&M costs of the hydrogen refueling station located at 7751 Beverly Boulevard, Los Angeles, CA 90036; and adopting staff's determination that this action is exempt from CEQA.
 - iii. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-19-077 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover O&M costs of the hydrogen refueling station located at 15606 Inglewood Avenue, Lawndale, CA 90260; and adopting staff's determination that this action is exempt from CEQA.
 - iv. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-19-078 with Air Products and Chemicals, Inc. for a \$165,000 grant to cover O&M costs of the hydrogen refueling station located at 5314 Topanga Canyon Road, Woodland Hills, CA 91364; and adopting staff's determination that this action is exempt from CEQA.

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

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

3. Empower Innovation Launch.

Staff presentation on a new online platform where innovators, technology adopters, local communities, and others from across the cleantech ecosystem can connect

and form teams for upcoming funding opportunities. Contact: Joshua Croft. (Staff presentation: 10 minutes)

4. Geysers Facilities Fire System Recommissioning.

Proposed resolution approving Agreement 700-19-003 with NV5, Inc. for a \$0 contract to provide delegate chief building official (DCBO) services for fire system recommissioning activities at the following Geysers facilities:

Geysers Unit 3, Sonoma (80-AFC-1C)
Geysers Unit 16, Quicksilver (79-AFC-5C)
Geysers Unit 17, Lake View (79-AFC-1C)
Geysers Unit 18, Socrates (79-AFC-3C)
Geysers Unit 19, Calistoga (81-AFC-1C)
Geysers Unit 20, Grant (82-AFC-1C)

NV5, Inc. will carry out design review and construction inspections on behalf of the Energy Commission. NV5, Inc., will be compensated by the project owner of the Geysers facilities, Geysers Power Company, LLC, for DCBO services. Contact: Eric Veerkamp. (Staff presentation: 5 minutes)

5. Adopting Energy Commission Determination Finding San Francisco Public Utility Commission's Hetch Hetchy Power IRP Consistent with the Requirements of SB 350.

Proposed resolution adopting the California Energy Commission's (CEC) determination finding the San Francisco Public Utility Commission's Hetch Hetchy Power IRP Filing consistent with requirements of SB 350. Contact: Paul Deaver. (Staff presentation: 5 minutes)

6. Adopting Energy Commission Determination Finding Modesto Irrigation District's IRP Consistent with the Requirements of SB 350.

Proposed resolution adopting CEC determination finding the Modesto Irrigation District's IRP Filing consistent with requirements of SB 350. Contact: Paul Deaver. (Staff presentation: 5 minutes)

7. CalCERTS.

Proposed resolution approving the CalCERTS application for certification as a California Home Energy Rating System (HERS) provider for the 2019 Building Energy Efficiency Standards and the CalCERTS HERS data registry as a residential data registry. Contact: Suzie Chan. (Staff presentation: 5 minutes)

8. ConSol Home Energy Efficiency Rating Services (CHEERS).

Proposed resolution approving the CHEERS application for certification as a California HERS provider for the 2019 Building Energy Efficiency Standards and the CHEERS HERS data registry as a residential data registry. Contact: Suzie Chan. (Staff presentation: 5 minutes)

9. Trinity Public Utility District.

Proposed resolution finding that Trinity Public Utility District meets the criteria for exemption from the solar photovoltaic (PV) requirements for newly constructed low-rise residential buildings (Title 24, Part 1, Section 10-109(k) and Part 6, Section

150.1(c)14). Trinity Public Utility District has submitted an application and materials demonstrating that low cost residential energy rates does not make solar PV for newly constructed low-rise residential buildings cost effective within their region. Contact: Cheng Moua. (Staff presentation: 5 minutes)

10. City of Port Hueneme.

Proposed resolution approving Agreement 006-19-ECA with the City of Port Hueneme for a \$840,272 loan at one percent interest for lighting improvement measures and three PV systems. The project is estimated to save the City 376,563 kWh of electricity, resulting in annual energy cost savings of \$54,618. The simple combined average payback on the loan amount is approximately 15.4 years. (ECAA Funding) Contact: Gavin Situ. (Staff presentation: 5 minutes)

11. Food Production Investment Program, GFO-18-903.

This solicitation sought proposals to install drop-in and emerging energy technologies at California food processing plants, demonstrate their reliability and effectiveness, and help California food processors work towards a low carbon future. The technologies funded will reduce energy use and greenhouse gas (GHG) emissions associated with food production. (GGRF funding) Contact: Cyrus Ghandi. (Staff presentation: 5 minutes)

- a. **BLUE DIAMOND GROWERS.** Proposed resolution approving Agreement FPI-18-017 with Blue Diamond Growers for a \$746,890 grant to implement energy efficiency upgrades, including boilers and a heat recovery system at the recipient's food processing facility in Sacramento and adopting staff's determination that this action is exempt from CEQA. The project will replace existing conventional, aging equipment with high-efficiency equipment to reduce GHG emissions, energy use, and operating costs.
- b. **SAPUTO CHEESE USA INC.** Proposed resolution approving grant Agreement FPI-19-002 and adopting CEQA Findings for Saputo Cheese USA Inc. to install a concentrated solar power plant at its Tulare cheese production facility.
 - i. **CEQA FINDINGS.** Proposed resolution adopting findings that, based on the lead agency City of Tulare's Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, Conditional Use Permit 2019-20, and the Resolution approving and adopting the declaration and permit, the proposed project presents no new significant or substantially more severe impacts beyond those already considered.
 - ii. Proposed resolution approving Agreement FPI-19-002 with Saputo Cheese USA Inc. for a \$5,456,184 grant to install a concentrated solar power plant at its Tulare cheese production facility. This project will reduce on-site natural gas usage and is expected to provide benefits to the priority populations where the cheese production facility is by reducing on-site criteria air pollutant emissions and creating jobs.

12. Five Points Pipeline, LLC.

Proposed resolution adopting CEQA Findings for Five Points Pipeline LLC's (Five Points) Five Points Pipeline Cluster Project and approving grant agreement ARV-19-075 with Five Points. (Clean Transportation Program funding) Contact: Hieu Nguyen. (Staff presentation: 5 minutes)

- a. CEQA FINDINGS. Findings that, based on the lead agency Fresno County's (County) Initial Study and Mitigated Negative Declaration, and the County's Resoution No. 12791 approving and adopting the declaration and Mitigation Monitoring and Reporting Program, the work under the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated.
- b. PIPELINE CLUSTER BIOGAS CONDITIONING SYSTEM PROJECT. Proposed resolution approving Agreement ARV-19-075 with Five Points Pipeline, LLC for a \$3,535,000 grant. The goal of this agreement is to construct a new facility to clean up and upgrade the gas in Fresno County to process diary biogas from five participating digesters. The project is expected to produce 2,536,172 diesel gallon equivalents per year of renewable natural gas with a carbon intensity score of approximately -174.04 g CO₂e/MJ and reduce GHG emissions by 94,145 metric tons of CO₂e per year.

13. Enel X North America, Inc.

Proposed resolution approving Agreement ARV-19-001 with Enel X North America, Inc. for a \$1,996,732 grant to procure and install manufacturing tools and equipment for the production of electric vehicle supply equipment in an existing manufacturing facility that will benefit disadvantaged communities, and adopting staff's determination that this action is exempt from CEQA. (Clean Transportation Program Funding). Contact: Larry Rillera. (Staff presentation: 5 minutes)

14. Minutes.

Possible approval of the September 11, 2019 business meeting minutes.

15. Lead Commissioner or Presiding Member Reports.

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

16. Executive Director's Report.

17. Public Advisor's Report.

18. Public Comment.

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

19. Chief Counsel's Report.

- a. Pursuant to Government Code section 11126(e), the Energy Commission may adjourn to closed session with its legal counsel to discuss any of the following matters to which the Commission is a party:
 - i. *In the Matter of U.S. Department of Energy (High Level Waste Repository)*, (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); *State of California v. United States Department of Energy* (9th Cir. Docket No. 09-71014).
 - ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller* (Alameda County Superior Court, Case No. RG13681262).
 - iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court, Case No. 34-2016-00204586)
 - iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, Case No. 17-cv-03404).
 - v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
 - vi. *Helping Hand Tools v. California Energy Commission, and Vantage Data Centers LLC*. (Sacramento Superior Court, Case No. 34-2018-80003026)
 - vii. *In re: PG&E Corporation and In re: Pacific Gas and Electric Company* (United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088)
 - viii. *Chukwuemeka (Emeka) Okemiri v. California Energy Commission, et al.* (Sacramento Superior Court, Case No. 34-2018-00246019).
 - ix. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc.* (Sacramento County Superior Court No. 34-2019-00252543).
- b. Pursuant to Government Code section 11126(e), the Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the Commission.

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

In the event of technical problems with the telephone line, it is recommended that comments be submitted by email to publicadvisor@energy.ca.gov or facsimile to (916) 654-4493 by 5 p.m., at least two days before the meeting.

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Public participation. Questions may be directed to the Public Advisor via email at publicadvisor@energy.ca.gov, or by phone at 916-654-4489 or 800-822-6228.

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

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

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

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