STATE OF CALIFORNIA

GRANT REQUEST FORM (GRF)

CEC-270 (Revised 02/13) CALIFORNIA ENERGY COMMISSION

New Agreement ARV-15-023 (To be completed by CGL Office)

Division	Agreement Manager:	MS-	Phone
600 Fuels and Transportation Division	Sarah Williams	27	916-651-9866

Recipient's Legal Name	Federal ID Number
FirstElement Fuel Inc.	46-4260718

Title of Project
Operation and Maintenance Support for Hydrogen Station Located in Hayward

Term and Amount	Start Date	End Date	Amount
	12 / 9 / 15	10 / 31 / 2018	$ 300,000

Business Meeting Information

☐ ARFVTP agreements under $75K delegated to Executive Director.

Proposed Business Meeting Date	12 / 9 / 15	☐ Consent	☒ Discussion
Business Meeting Presenter	Sarah Williams	Time Needed:	5 minutes

Please select one list serve. Altfuels (AB118- ARFVTP)

Agenda Item Subject and Description

Proposed resolution approving Agreement ARV-15-023 with FirstElement Fuel Inc. for a $300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 391 West A St., Hayward, CA 94541, and gather data about the station. (ARFVTP funding) Contact: Sarah Williams. (5 minutes)

California Environmental Quality Act (CEQA) Compliance

1. Is Agreement considered a "Project" under CEQA?
   ☒ Yes (skip to question 2) ☐ No (complete the following (PRC 21065 and 14 CCR 15378)):
   Explain why Agreement is not considered a "Project":
   Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because .
2. If Agreement is considered a "Project" under CEQA:
   ☒ a) Agreement **IS** exempt. (Attach draft NOE)
   ☐ Statutory Exemption. List PRC and/or CCR section number:
   ☒ Categorical Exemption. List CCR section number: 14 CCR 15301 Existing Facilities
   ☐ Common Sense Exemption. 14 CCR 15061 (b) (3)
   Explain reason why Agreement is exempt under the above section:
   The grant will fund operation and maintenance of existing hydrogen refueling equipment at an existing gas station. Operation and maintenance will include, but is not limited to, ensuring utility access; repairing or replacing equipment; and replacing dispensed hydrogen and other gases. This project involves negligible or no expansion of the existing use of the existing facilities, because the use, i.e., hydrogen refueling equipment operation, is already occurring and the operations and maintenance conducted as a part of this project will not expand use.
   ☐ b) Agreement **IS NOT** exempt. (Consult with the legal office to determine next steps.)
   Check all that apply
   ☐ Initial Study ☐ Environmental Impact Report
   ☐ Negative Declaration ☐ Statement of Overriding Considerations
   ☐ Mitigated Negative Declaration

List all subcontractors (major and minor) and equipment vendors: (attach additional sheets as necessary)

Legal Company Name:	Budget
	$ 0
	$ 0
	$ 0

List all key partners: (attach additional sheets as necessary)

Legal Company Name:

Budget Information			
Funding Source	**Funding Year of Appropriation**	**Budget List No.**	**Amount**
ARFVTF	15/16	601.118GH	$100,000
ARFVTF	16/17	601.118IH	$100,000
ARFVTF	17/18	601.118JH	$100,000
Funding Source			$
Funding Source			$
R&D Program Area:	Select Program Area	TOTAL:	$300,000
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

Recipient's Administrator/ Officer				Recipient's Project Manager			
Name:	Tim Brown			Name:	Tim Brown		
Address:	2549 Eastbluff Dr.			Address:	2549 Eastbluff Dr.		
City, State, Zip:	Newport Beach, CA 92660			City, State, Zip:	Newport Beach, CA 92660		
Phone:	949-228-5769	Fax:	- -	Phone:	949-228-5769	Fax:	- -
E-Mail:	Tim.Brown@FirstElementFuel.com			E-Mail:	Tim.Brown@FirstElementFuel.com		

Selection Process Used

☐ Competitive Solicitation
☒ First Come First Served Solicitation

Solicitation #: PON-13-607

The following items should be attached to this GRF

1. Exhibit A, Scope of Work		☒ Attached
2. Exhibit B, Budget Detail		☒ Attached
3. CEC 105, Questionnaire for Identifying Conflicts		☒ Attached
4. Recipient Resolution	☒ N/A	☐ Attached
5. CEQA Documentation	☒ N/A	☐ Attached

Agreement Manager	Date	Office Manager	Date	Deputy Director	Date

Exhibit A
SCOPE OF WORK

TASK LIST

Task #	Task Name
1	Kick Off Meeting
2	Operate and Maintain the Hydrogen Refueling Station
3	Data Collection and Reporting

GLOSSARY

Specific terms and acronyms used throughout this scope of work are defined as follows:

Term/ Acronym	Definition
ARFVTP	Alternative and Renewable Vehicle and Technology Program
CAM	Commission Agreement Manager
Energy Commission	California Energy Commission
FTD	Fuels and Transportation Division

Background

Assembly Bill (AB) 118 (Nùñez, Chapter 750, Statutes of 2007), created the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP). The statute authorizes the California Energy Commission (Energy Commission) to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state's climate change policies. AB 8 (Perea, Chapter 401, Statutes of 2013) re-authorizes the ARFVTP through January 1, 2024, and specifies that the Energy Commission allocate up to $20 million per year (or up to 20 percent of each fiscal year's funds) in funding for hydrogen station development until at least 100 stations are operational. The Energy Commission has an annual program budget of approximately $100 million and provides financial support for projects that:

- Develop and improve alternative and renewable low-carbon fuels;
- Optimize alternative and renewable fuels for existing and developing engine technologies;
- Produce alternative and renewable low-carbon fuels in California;
- Decrease, on a full fuel cycle basis, the overall impact and carbon footprint of alternative and renewable fuels and increase sustainability;
- Expand fuel infrastructure, fueling stations, and equipment;
- Improve light-, medium-, and heavy-duty vehicle technologies;
- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets;
- Expand infrastructure connected with existing fleets, public transit, and transportation corridors; and
- Establish workforce training programs, conduct public education and promotion, and create technology centers.

The Energy Commission issued solicitation PON-13-607 Hydrogen Refueling Infrastructure to fund installation, and operation and maintenance cost for hydrogen refueling infrastructure. To be eligible for funding under PON-13-607, the projects must also be consistent with the Energy Commission's ARFVTP Investment Plan updated annually. In

response to PON-13-607, FirstElement Fuel Inc. (Recipient) submitted application number #126, which was proposed for funding in the Energy Commission's Second Revised Notice of Proposed Awards for.Solicitation PON-13-607. The Recipient's application, the Notice of Proposed Award issued for PON-13-607, and PON-13-607 are all incorporated by reference to this Agreement in their entirety.

In the event of any conflict or inconsistency between the terms of the Solicitation and the terms of the Recipient's Application, the Solicitation shall control. In the event of any conflict or inconsistency between the Recipient's Application and the terms of the Energy Commission's Award, the Commission's Award shall control. Similarly, in the event of any conflict or inconsistency between the terms of this Agreement and the Recipient's Application, the terms of this Agreement shall control.

Funds under this grant are only available to cover costs incurred once the station has achieved operational status.

Goals of the Agreement:
The goal of this Agreement is to continue the operation and maintenance of existing hydrogen refueling stations and gather information to improve understanding of needs and uses of hydrogen refueling.

Objectives of the Agreement:
The objectives of this Agreement are to support the operation and maintenance costs of the hydrogen fueling station at 391 West A St., Hayward, CA 94541, and gather data on the operation and maintenance of the station.

TASK 1 Attend Kick-off Meeting
The goal of this task is to establish the lines of communication and procedures for implementing this Agreement. The Commission Agreement Manager (CAM) shall designate the date and location of this meeting and provide an agenda to the Recipient prior to the meeting.

The Recipient shall:

- Demonstrate that the station is operational. Operational is defined in PON-13-607 as "the station has a hydrogen fuel supply and all station/dispenser components are installed. Further, the station shall have all of the required operational and safety permits from the local jurisdiction and agency. The station shall also have a completed, successful hydrogen quality test and have successfully fueled one fuel cell vehicle with hydrogen." The station shall also be open to the public.

- Prepare and submit written notification of the date that the station is operational, this includes submitting the following to the CAM:
    - All required operational and safety permits from the local jurisdiction and agency,
    - Hydrogen purity test results,
    - Description of the process and results of fueling one fuel cell electric vehicle, and

    - A written statement that the station is open to the public meaning no physical barriers exist that would preclude the public from entering and using the refueling station.

- Attend a "Kick-Off" meeting with the CAM, the Commission Agreement Officer, and a representative of the Accounting Office. The Recipient shall bring its Project Manager, Agreement Administrator, Accounting Officer, and others designated by the CAM to this meeting.

- Discuss the following administrative and technical aspects of this Agreement:
    - Agreement Terms and Conditions,
    - The CAM's expectations for accomplishing tasks described in the Scope of Work.

Recipient Products:

- **Written notification of the operational date**

Commission Agreement Manager Product:

- Kick-Off Meeting Agenda

TASK 2 Operate and Maintain the Hydrogen Refueling Station
The goal of this task is to operate and maintain the hydrogen fueling station.

The Recipient shall:

- Operate and maintain the hydrogen refueling station

Products: None

TASK 3 Data Collection and Reporting
The goal of this task is to periodically collect and deliver data related to the operation of the hydrogen refueling station, and to verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement on time and within budget.

The objectives of this task are to summarize activities performed during the reporting period, to identify issues that may affect performance and expenditures, and to form the basis for determining whether invoices are consistent with work performed.

The Recipient shall:

- Prepare a Monthly Progress Report which summarizes all Agreement activities conducted by the Recipient for the reporting period. This shall include the number of fills and kg of through put for the month. Each progress report is due to the CAM within 10 days of the end of the reporting period. The recommended specifications for each progress report are contained in the Terms and Conditions of this Agreement.

- Input all data as described in the National Renewable Energy Laboratory (NREL) Data Collection Tool (Exhibit E), and submit the tool to the CAM on a quarterly basis within one month of the end of the quarter.

Products:

- Monthly Progress Reports,
- Quarterly Updates on the NREL Data Collection Tool (Exhibit E).

RESOLUTION NO: 15-1209-12i

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: FIRSTELEMENT FUEL, INC.

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

RESOLVED, that the Energy Commission approves Agreement ARV-15-023 from PON-13-607 with **FirstElement Fuel, Inc.,** for **a $300,000 grant** to cover operation and maintenance costs for the hydrogen refueling station located at 391 West A St., Hayward, CA and gather data about the station; and

FURTHER BE IT RESOLVED, that the Executive Director or his/her designee shall execute the same on behalf of the Energy Commission.

CERTIFICATION

The undersigned Secretariat to the Commission 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 California Energy Commission held on December 9, 2015.

AYE: [List of Commissioners]
NAY: [List of Commissioners]
ABSENT: [List of Commissioners]
ABSTAIN: [List of Commissioners]

_____
Tiffani Winter,
Secretariat