

AMENDED IN ASSEMBLY MAY 29, 1973

CALIFORNIA LEGISLATURE—1973-74 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1575**

**Introduced by Assemblyman Warren**

April 25, 1973

REFERRED TO COMMITTEE ON GOVERNMENT ADMINISTRATION

*An act to AMEND SECTION 21100 OF, AND TO add Division 15 (commencing with Section ~~25001~~ to 25000) TO, the Public Resources Code, relating to energy resources.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, as amended, Warren (Gov. Adm.). Energy resources.

Enacts the *State Energy Resources Conservation and Development Act of 1973*, with no substantive provisions.

*Declares legislative findings relating to energy resources.*

*Establishes the State Energy Resources Conservation and Development Commission and prescribes its membership, powers, and duties.*

*Provides for forecasting and assessment of energy demands and supplies, and for conservation of energy resources by designated methods.*

*Provides for certification of power facilities, as defined, by the commission.*

*Requires the commission to carry on a program of research and development of energy resources, and provides for limiting the use of electrical and other forms of energy under designated emergency conditions.*

*Imposes various fees and requires the money to be deposited in the State Energy Resources Conservation and Development Fund, which is hereby created. Requires that money from such fund be expended for purposes of carrying out the provisions of this act, when appropriated by the Legislature.*

*Requires specifically that an environmental impact report on any project prepared pursuant to the Environmental Quality Act of 1970 include a statement of measures to reduce wasteful, inefficient, and unnecessary consumption of energy.*

*Provides that neither appropriation is made nor obligation created for the reimbursement of any local agency for any costs incurred by it pursuant to the act.*

*Vote: majority. Appropriation: no. Fiscal committee: no yes. State-mandated local program: no state funding.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Division 15 (commencing with Section  
2 25001) is added to the Public Resources Code, to read:

3  
4 DIVISION 15. ENERGY RESOURCES

5  
6 25001. This division shall be known and may be cited  
7 as the Energy Resources Conservation and Development  
8 Act of 1973.

9 SECTION 1. Section 21100 of the Public Resources  
10 Code is amended to read:

11 21100. All state agencies, boards, and commissions  
12 shall prepare, or cause to be prepared by contract, and  
13 certify the completion of an environmental impact  
14 report on any project they propose to carry out or  
15 approve which may have a significant effect on the  
16 environment. Such a report shall include a detailed  
17 statement setting forth the following:

18 (a) The environmental impact of the proposed action.

19 (b) Any adverse environmental effects which cannot  
20 be avoided if the proposal is implemented.

21 (c) Mitigation measures proposed to minimize the  
22 impact including, but not limited to, measures to reduce  
23 wasteful, inefficient, and unnecessary consumption of

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1 *energy.*

2 (d) Alternatives to the proposed action.

3 (e) The relationship between local short-term uses of  
4 man's environment and the maintenance and  
5 enhancement of long-term productivity.

6 (f) Any irreversible environmental changes which  
7 would be involved in the proposed action should it be  
8 implemented.

9 (g) The growth-inducing impact of the proposed  
10 action.

11 *SEC. 2. Division 15 (commencing with Section 25000)*  
12 *is added to the Public Resources Code, to read:*

13

14 *DIVISION 15. ENERGY CONSERVATION AND*  
15 *DEVELOPMENT*

16

17 *CHAPTER 1. TITLE AND GENERAL PROVISIONS*

18

19 *25000. This division shall be known and may be cited*  
20 *as the State Energy Resources Conservation and*  
21 *Development Act.*

22 *25001. The Legislature hereby finds and declares that*  
23 *electrical energy is essential to the health, safety and*  
24 *welfare of the people of this state and that it is the*  
25 *responsibility of state government to ensure that a*  
26 *reliable supply of electrical energy is maintained at a*  
27 *level consistent with the need for such energy for*  
28 *protection of public health and safety, and for*  
29 *environmental quality protection.*

30 *25002. The Legislature further finds and declares that*  
31 *the present rapid rate of growth in demand for electric*  
32 *energy is in part due to wasteful, uneconomic, inefficient,*  
33 *and unnecessary uses of power and a continuation of this*  
34 *trend will result in serious depletion or irreversible*  
35 *commitment of fuels, land and water resources, and*  
36 *potential threats to the state's environmental quality.*

37 *25003. The Legislature further finds and declares that*  
38 *plans for future electrical generating and transmitting*  
39 *facilities should be coordinated with state, regional, and*  
40 *local plans for land use, urban expansion, transportation*

1 systems, environmental protection, and economic  
2 development.

3 25004. The Legislature further finds and declares that  
4 there is a pressing need to accelerate research and  
5 development into alternative sources of energy and into  
6 improved technology of design and siting of power  
7 facilities.

8 25005. The Legislature further finds and declares that  
9 prevention of delays and interruptions in the orderly  
10 provision of electrical energy, protection of  
11 environmental values, and conservation of energy  
12 resources require expanded authority and technical  
13 capability within state government.

14 25006. It is the policy of the state and the intent of the  
15 Legislature to establish and consolidate within state  
16 government responsibility for managing the state's  
17 energy resources, for encouraging and conducting  
18 research and development into energy supply and  
19 demand problems, and for regulating electrical  
20 generating and transmitting facilities.

21 25007. It is further the policy of the state and the  
22 intent of the Legislature to employ a range of measures  
23 to influence the rate of growth of electricity consumption  
24 in order to reduce wasteful, uneconomical, and  
25 unnecessary uses, prudently conserve energy resources,  
26 and assure statewide environmental, public safety, and  
27 land use goals.

28  
29 CHAPTER 2. DEFINITIONS

30  
31 25100. Unless the context otherwise requires, the  
32 definitions in this chapter govern the construction of this  
33 division.

34 25101. "Applicant" means any person who submits an  
35 application for certification pursuant to the provisions of  
36 this division.

37 25102. "Application" means any request for  
38 certification of any facility filed in accordance with the  
39 procedures established pursuant to this division.

40 25103. "Coastal zone" means the "coastal zone" as

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1 *defined in Section 27100.*

2 *25104. "Commission" means the State Energy*  
3 *Resources Conservation and Development Commission.*

4 *25105. "Construction" means onsite work to install*  
5 *permanent equipment or structure for any facility.*

6 *"Construction" does not include any of the following:*

7 *(a) The installation of environmental monitoring*  
8 *equipment.*

9 *(b) A soil or geological investigation.*

10 *(c) A topographical survey.*

11 *(d) Any other study or investigation to determine the*  
12 *environmental acceptability or feasibility of the use of the*  
13 *site for any particular facility.*

14 *(e) Any work to provide access to a site for any of the*  
15 *purposes specified in subdivision (a), (b), (c), or (d).*

16 *25106. "Counsel" means the legal counsel employed*  
17 *by the commission pursuant to Section 25217.*

18 *25107. "Electric transmission line" means any electric*  
19 *power line which carries more than 200 kilovolts and all*  
20 *appurtenant facilities thereof, including, but not limited*  
21 *to, switching yards. "Electric transmission line" does not*  
22 *include any replacement on the existing site of existing*  
23 *facilities with facilities equivalent thereto or the*  
24 *placement of new or additional conductors, insulators, or*  
25 *accessories related thereto on supporting structures in*  
26 *existence on the effective date of this division.*

27 *25108. "Electric utility" means any person engaged*  
28 *in, or authorized to engage in, generating, transmitting,*  
29 *or distributing electric power, including, but not limited*  
30 *to, any such person who is subject to the regulation of the*  
31 *Public Utility Commission.*

32 *25109. "Energy" means work or heat that is, or may*  
33 *be, produced from any fuel or source whatsoever.*

34 *25110. "Facility" means any electric transmission line*  
35 *or thermal powerplant regulated according to the*  
36 *provisions of this division.*

37 *25111. "Fund" means the State Energy Resources*  
38 *Conservation and Development Fund.*

39 *25112. "Member" or "member of the commission"*  
40 *means a member of the State Energy Resources*

1 *Conservation and Development Commission appointed*  
 2 *pursuant to Section 25200.*

3 *25113. "Notice" means the notice of intent which*  
 4 *shall state the intention of an applicant to file an*  
 5 *application for certification of any facility.*

6 *25114. "Party of interest" means any person who the*  
 7 *commission finds and acknowledges as having a real and*  
 8 *direct interest in any proceeding or action carried on,*  
 9 *under, or as a result of the operation of, this division.*

10 *25115. "Permit area" means the "permit area" as*  
 11 *defined in Section 27104.*

12 *25116. "Person" means any person, firm, association,*  
 13 *organization, partnership, business trust, corporation, or*  
 14 *company. "Person" also includes any city, county, public*  
 15 *district or agency, the state or any department or agency*  
 16 *thereof, and the United States to the extent authorized by*  
 17 *federal law.*

18 *25117. "Plan" means the Emergency Load*  
 19 *Curtailment and Energy Distribution Plan.*

20 *25118. "Service area" means any contiguous*  
 21 *geographic area serviced by the same electric utility.*

22 *25119. "Site" means any proposed location on which*  
 23 *a facility is constructed or is proposed to be constructed.*

24 *25120. "Thermal powerplant" means any stationary*  
 25 *or floating electrical generating facility using any source*  
 26 *of thermal energy, with a generating capacity of 50*  
 27 *megawatts or more, and any facilities appurtenant*  
 28 *thereto.*

29  
 30 **CHAPTER 3. STATE ENERGY RESOURCES**  
 31 **CONSERVATION AND DEVELOPMENT COMMISSION**  
 32

33 *25200. There is in the Resources Agency the State*  
 34 *Energy Resources Conservation and Development*  
 35 *Commission, consisting of five members appointed by*  
 36 *the Governor subject to the confirmation of the Assembly*  
 37 *and the Senate pursuant to Section 25204.*

38 *25201. One member of the commission shall be*  
 39 *qualified in the field of physical science; one member*  
 40 *shall be an attorney and a member of the State Bar of*

1 *California who is qualified in the field of governmental or*  
2 *administrative law; one member shall be an ecologist*  
3 *with background and experience in the study of natural*  
4 *biological ecosystems; one member shall be an economist*  
5 *with background and experience in the field of natural*  
6 *resource management; and one member shall be from*  
7 *the public at large.*

8 *25202. The Secretary of the Resources Agency and*  
9 *the chairman of the Public Utilities Commission shall be*  
10 *ex officio, nonvoting members of the commission, whose*  
11 *presence shall not be counted for a quorum or for vote*  
12 *requirements.*

13 *25203. Each member of the commission shall*  
14 *represent the state at large and not any particular area*  
15 *thereof and shall serve on a full-time basis.*

16 *25204. The Governor shall appoint the members of*  
17 *the commission within 30 days after the effective date of*  
18 *this division. The appointments to the commission shall*  
19 *be confirmed unless the appointment is rejected by a*  
20 *majority vote of all the members of either the Assembly*  
21 *or the Senate within 60 days from the date of*  
22 *appointment by the Governor. Action by either house to*  
23 *reject any appointment shall cause a vacancy in the office*  
24 *to which the appointment was made, and the Governor*  
25 *shall, within 30 days, make another appointment.*

26 *25205. (a) No person shall be a member of the*  
27 *commission who, during the past two years prior to*  
28 *appointment on the commission, received any portion of*  
29 *his income directly or indirectly from any electric utility,*  
30 *or any person who engages in sale or manufacture of any*  
31 *component of any facility. No member of the commission*  
32 *shall be employed by any electric utility, applicant, or any*  
33 *person who engages in sale or manufacture of any*  
34 *component of any facility within two years after he ceases*  
35 *to be a member of the commission.*

36 *(b) Except as provided in Section 25202, the members*  
37 *of the commission shall not hold any other elected or*  
38 *appointed public office or position.*

39 *(c) The members of the commission and all employees*  
40 *of the commission shall comply with all applicable*

1 provisions of Section 19251 of the Government Code.

2 (d) No person who is a member or employee of the  
 3 commission shall participate personally and substantially  
 4 as a member or employee of the commission, through  
 5 decision, approval, disapproval, recommendation, the  
 6 rendering of advice, investigation, or otherwise, in a  
 7 judicial or other proceeding, hearing, application,  
 8 request for a ruling, or other determination, contract,  
 9 claim, controversy, study, plan, or other particular matter  
 10 in which, to his knowledge, he, his spouse, minor child, or  
 11 partner, or any organization in which he is serving, or has  
 12 served as officer, director, trustee, partner, or employee  
 13 while serving as a member or employee of the  
 14 commission or within two years prior to his appointment  
 15 as a member of the commission, has a direct or indirect  
 16 financial interest.

17 (e) No person who is a partner, employer, or  
 18 employee of a member or employee of the commission  
 19 shall act as an attorney, agent, or employee for anyone  
 20 other than the state in connection with any judicial or  
 21 other proceeding, hearing, application, request for a  
 22 ruling, or other determination, contract, claim,  
 23 controversy, study, plan, or other particular matter in  
 24 which the commission is a party or has a direct and  
 25 substantial interest.

26 (f) The provisions of subdivisions (c), (d), and (e) of  
 27 this section shall not apply, if the Attorney General finds  
 28 that the interest of the member or employee of the  
 29 commission is not so substantial as to be deemed likely to  
 30 affect the integrity of the services which the state may  
 31 expect from such member or employee.

32 (g) Any person who violates any provision of this  
 33 section is guilty of a felony and shall be subject to a fine  
 34 of not more than ten thousand dollars (\$10,000) or  
 35 imprisonment in the state prison for not more than two  
 36 years, or both.

37 25206. The terms of office of the members of the  
 38 commission shall be for six years, except that the  
 39 members first appointed to the commission shall classify  
 40 themselves by lot so that the term of office of one

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1 *member shall expire at the end of two years after the*  
2 *effective date of this division; the terms of office of two*  
3 *members shall expire at the end of four years after the*  
4 *effective date of this division, and the terms of office of*  
5 *two members shall expire at the end of six years after the*  
6 *effective date of this division. Any vacancy shall be filled*  
7 *by the Governor within 30 days of the date on which a*  
8 *vacancy occurs for the unexpired portion of the term in*  
9 *which it occurs or for any new term of office.*

10 *If the Governor fails to make an appointment for any*  
11 *vacancy within such 30-day period, the Senate Rules*  
12 *Committee may make the appointment to fill the*  
13 *vacancy for the unexpired portion of the term in which*  
14 *the vacancy occurred or for any new term of office,*  
15 *subject to the confirmation as prescribed by Section*  
16 *25204.*

17 *25207. The members of the commission shall receive*  
18 *an annual salary as prescribed by Section 11550 of the*  
19 *Government Code.*

20 *Each member of the commission shall receive the*  
21 *necessary traveling and other expenses incurred in the*  
22 *performance of his official duties. When necessary the*  
23 *members of the commission and its employees may travel*  
24 *within or without the state.*

25 *25208. Before entering upon the duties of his office*  
26 *each member of the commission shall execute an official*  
27 *bond to the state in the penal sum of twenty-five*  
28 *thousand dollars (\$25,000), conditioned upon the faithful*  
29 *performance of his duties.*

30 *25209. Each member of the commission shall have*  
31 *one vote. Except as provided in Section 25211, the*  
32 *affirmative votes of at least three members shall be*  
33 *required for the transaction of any business of the*  
34 *commission.*

35 *25210. The commission may hold any hearings and*  
36 *conduct any investigations in any part of the state*  
37 *necessary to carry out its powers and duties prescribed by*  
38 *this division and for such purposes has the same powers*  
39 *as is conferred upon heads of departments of the state by*  
40 *Article 2 (commencing with Section 11180) of Chapter 2,*

1 *Part 1, Division 3, Title 2 of the Government Code.*

2 25211. *The commission may appoint a committee of*  
 3 *not less than three members of the commission to carry*  
 4 *on investigations, inquiries, or hearings which the*  
 5 *commission has power to undertake or to hold. Every*  
 6 *order made by such committee pursuant to such inquiry,*  
 7 *investigation, or hearing, when approved or confirmed*  
 8 *by the commission and ordered filed in its office, shall be*  
 9 *the order of the commission.*

10 25212. *The Governor shall designate the chairman*  
 11 *of the commission from among its members. The person*  
 12 *so designated shall hold the office of chairman at the*  
 13 *pleasure of the Governor. The commission shall elect a*  
 14 *vice chairman from among its members.*

15 25213. *The commission shall adopt rules for the*  
 16 *conduct of its affairs in conformity with the provisions of*  
 17 *Chapter 4.5 (commencing with Section 11371) of Part 1,*  
 18 *Division 3, Title 2 of the Government Code.*

19 25214. *The commission shall maintain its*  
 20 *headquarters in the City of Sacramento and may establish*  
 21 *branch offices in such parts of the state as the commission*  
 22 *deems necessary. The commission shall hold meetings at*  
 23 *such times and at such places as shall be determined by*  
 24 *it. All meetings and hearings of the commission shall be*  
 25 *open to the public. The first meeting of the commission*  
 26 *shall be held within 75 days after the effective date of this*  
 27 *division. The Governor shall designate the time and place*  
 28 *for the first meeting of the commission.*

29 25215. *Any member of the commission may be*  
 30 *removed from office by the Legislature, by concurrent*  
 31 *resolution adopted by a majority vote of all members*  
 32 *elected to each house, for dereliction of duty or*  
 33 *corruption or incompetency.*

34 25216. *In addition to other duties specified in this*  
 35 *division, the commission shall do all of the following:*

36 (a) *Undertake a continuing assessment of trends in*  
 37 *the consumption of electrical energy and other forms of*  
 38 *energy and analyze the social, economic, and*  
 39 *environmental consequences of these trends; carry out*  
 40 *directly, or cause to be effectuated, energy conservation*

1 *measures specified in*  
 2 *Section 2546.*  
 3 *Governor and*  
 4 *conservation*  
 5 *of this division.*

6 (b) *Develop*  
 7 *utilities and*  
 8 *resources for*  
 9 *independent*  
 10 *statewide energy*  
 11 *growth factors*  
 12 *resources, and*  
 13 *formally specify*  
 14 *demands to*  
 15 *and design*  
 16 *facilities.*

17 (c) *Carry*  
 18 *contract with*  
 19 *development*  
 20 *improvement*  
 21 *siting, fuel*  
 22 *energy supply*  
 23 *conservation*  
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25 *regional, state*  
 26 *environmental*  
 27 *designing,*  
 28 *standards, and*  
 29 *designing and*  
 30 *health and*  
 31 *those adopted*  
 32 *or by any fee*  
 33 *monitor costs*  
 34 *operated in*

35 (b) *The*  
 36 *advise the commission*  
 37 *ordinances,*  
 38 *the objectives of*  
 39 *division.*

40 25216.5.

1 *measures specified in Chapter 5 (commencing with*  
2 *Section 25400) of this division; and recommend to the*  
3 *Governor and the Legislature new and expanded energy*  
4 *conservation measures as required to meet the objectives*  
5 *of this division.*

6 *(b) Develop procedures for collecting from electric*  
7 *utilities and other sources forecasts of future loads and*  
8 *resources for all sources of energy, including electrical;*  
9 *independently analyze such forecasts in relations to*  
10 *statewide estimates of population, economic, and other*  
11 *growth factors and in terms of the availability of fuel*  
12 *resources, costs to consumers, and other factors; and*  
13 *formally specify statewide and service area energy*  
14 *demands to be utilized as a basis for planning the siting*  
15 *and design of electric power generating and related*  
16 *facilities.*

17 *(c) Carry out, or cause to be carried out, under*  
18 *contract or other arrangements, research and*  
19 *development into alternative sources of energy,*  
20 *improvements in energy generation, transmission, and*  
21 *siting, fuel substitution, and other topics related to*  
22 *energy supply, demand, public safety, ecology, and*  
23 *conservation.*

24 *25216.3. (a) The commission shall compile local,*  
25 *regional, state, and federal land use, public safety,*  
26 *environmental, and other standards to be met in*  
27 *designing, siting, and operating in the state; adopt*  
28 *standards, except for air and water quality, to be met in*  
29 *designing or operating facilities to safeguard public*  
30 *health and safety, which shall be more stringent than*  
31 *those adopted by local, regional, or other state agencies,*  
32 *or by any federal agency if permitted by federal law; and*  
33 *monitor compliance and ensure that all facilities are*  
34 *operated in accordance with this division.*

35 *(b) The local, regional, and other state agencies shall*  
36 *advise the commission as to any change in its standards,*  
37 *ordinances, or laws which are pertinent and relevant to*  
38 *the objective of carrying out the provisions of this*  
39 *division.*

40 *25216.5. The commission shall do all of the following:*

1 (a) Prescribe the form and content of applications for  
2 facilities; conduct public hearings and take other actions  
3 to secure adequate evaluation of applications; and  
4 formally act to approve or disapprove applications,  
5 including specifying conditions under which approval  
6 and continuing operation of any facility shall be  
7 permitted.

8 (b) Prepare and adopt an integrated plan specifying  
9 actions to be taken in the event of an impending serious  
10 shortage of energy, or a clear threat to public health,  
11 safety, or welfare and exercise such direct authority in  
12 carrying out such a plan as is specified in this division.

13 (c) Evaluate policies governing the establishment of  
14 rates for electric power and other sources of energy as  
15 related to energy conservation, environmental  
16 protection, and other goals and policies established in this  
17 division, and transmit recommendations for changes in  
18 power-pricing policies and rate schedules to the  
19 Governor, the Legislature, and to the Public Utilities  
20 Commission.

21 (d) Serve as a central repository within the state  
22 government for the collection and storage of data and  
23 information on all forms of energy supply, demand,  
24 conservation, public safety, and related subjects.

25 25217. The commission shall do all of the following:

26 (a) Appoint an executive director, who shall serve at  
27 its pleasure and whose duties and salary shall be  
28 prescribed by the commission.

29 (b) Appoint a legal counsel who shall carry out the  
30 provisions of Section 25222, as well as other duties  
31 prescribed by the commission.

32 (c) Employ and prescribe the duties of other staff  
33 members as necessary to carry out the provisions of this  
34 division.

35 25218. In addition to other powers specified in this  
36 division, the commission may do any of the following:

37 (a) Apply for and accept grants, contributions, and  
38 appropriations.

39 (b) Contract for professional services if such work or  
40 services cannot be satisfactorily performed by its

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1 *employees or by any other state agency.*

2 *(c) Be sued and sue to obtain any remedy to restrain*  
3 *violations of this division.*

4 *(d) Request and utilize the advice and services of all*  
5 *federal, state, local, and regional agencies.*

6 *(e) Adopt any rule or regulation, or take any action, it*  
7 *deems reasonable and necessary to carry out the*  
8 *provisions of this division.*

9 *25218.5. The provisions specifying any power or duty*  
10 *of the commission shall be liberally construed, in order to*  
11 *carry out the objectives of this division.*

12 *25219. As to any matter involving the federal*  
13 *government, its departments or agencies, which is within*  
14 *the scope of the power and duties of the commission, the*  
15 *commission may represent the interest of the state or any*  
16 *county, city, state agency, or public district upon its*  
17 *request, and to that end may correspond, confer, and*  
18 *cooperate with the federal government, its departments*  
19 *or agencies.*

20 *25220. The commission may participate as a party, to*  
21 *the extent that it shall determine, in any proceeding*  
22 *before any federal or state agency having authority*  
23 *whatsoever to approve or disapprove any aspect of a*  
24 *proposed facility, receive notice from any applicant of all*  
25 *applications and pleadings filed subsequently by such*  
26 *applicants in any of such proceedings, and, by its request,*  
27 *receive copies of any of such subsequently filed*  
28 *applications and pleadings that it shall deem necessary.*

29 *25221. Upon request of the commission, the Attorney*  
30 *General shall represent the commission and the state in*  
31 *litigation concerning affairs of the commission, unless*  
32 *another state agency, represented by the Attorney*  
33 *General, is a party to the action. In such case the counsel*  
34 *of the commission shall represent the commission. The*  
35 *provisions of Sections 11041, 11042, and 11043 of the*  
36 *Government Code do not apply to the commission.*

37 *25222. In addition to other duties as may be*  
38 *prescribed, the counsel shall insure that full and adequate*  
39 *participation by all interested groups and the public at*  
40 *large is secured in the planning and site certification*

1 procedures provided in this division. The counsel shall  
 2 insure that timely and complete notice of commission  
 3 meetings and public hearings is disseminated to all  
 4 interested groups and to the public at large. The counsel  
 5 shall also advise such groups and the public as to effective  
 6 ways of participating in the commission's proceedings.  
 7 The counsel shall recommend to the commission  
 8 additional measures to assure open consideration and  
 9 public participation in energy planning and site  
 10 certification.

11 25223. The commission shall make available any  
 12 information filed or submitted pursuant to this division  
 13 under the provisions of the California Public Records Act,  
 14 Chapter 3.5 (commencing with Section 6250) of Division  
 15 7, Title 1 of the Government Code.

16 25224. The commission and other state agencies shall,  
 17 to the fullest extent possible, exchange records, reports,  
 18 material, and other information relating to energy  
 19 resources and conservation and power facilities siting, or  
 20 any areas of mutual concern, to the end that unnecessary  
 21 duplication of effort may be avoided.

22  
 23 CHAPTER 4. PLANNING AND FORECASTING  
 24

25 25300. Beginning January 1, 1975, and every two years  
 26 thereafter, every electric utility in the state shall prepare  
 27 and transmit to the commission a report specifying 5-, 10-,  
 28 and 20-year forecasts or assessments of loads and  
 29 resources for its service area. The report shall set forth  
 30 the facilities which, as determined by the electric utility,  
 31 will be required to supply electric power during the  
 32 forecast or assessment periods. The report shall be in a  
 33 form specified by the commission and shall include all of  
 34 the following:

35 (a) A tabulation of estimated peak loads, resources,  
 36 and reserve margins for each year during the 5- and  
 37 10-year forecasted or assessed periods, and an estimation  
 38 of peak load, resources, and reserve margins for the last  
 39 year in the 20-year forecasted or assessed period.

40 (b) A list of existing electric generating plants in

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1 *service, with a description of planned and potential*  
2 *generating capacity at existing sites.*

3 *(c) A list of facilities which will be needed to serve*  
4 *additional electrical requirements identified in the*  
5 *forecasts or assessments, the general location of such*  
6 *facilities, and the anticipated types of fuel to be utilized*  
7 *in proposed facilities.*

8 *(d) A description of additional system capacity which*  
9 *might be achieved through, among others,*  
10 *improvements in (1) generating or transmission*  
11 *efficiency, (2) importation of power, (3) interstate or*  
12 *interregional pooling, and (4) other improvements in*  
13 *efficiencies of operation.*

14 *(e) An estimation of the availability and cost of fuel*  
15 *resources for the 5-, 10-, and 20-year forecast or*  
16 *assessment periods with a statement by the electric utility*  
17 *describing firm commitments for supplies of fuel*  
18 *required during the forecast or assessment periods.*

19 *(f) An annual load duration curve and a forecast of*  
20 *anticipated peak loads for each forecast or assessment*  
21 *period for the residential, commercial, industrial, and*  
22 *such other major demand sectors in the service area of*  
23 *the electric utility as the commission shall determine.*

24 *(g) A description of population growth, urban*  
25 *development, industrial expansion, and other growth*  
26 *factors influencing increased demand for electric energy.*

27 *25301. The commission shall establish and the electric*  
28 *utilities shall utilize, for purposes of the report, a common*  
29 *methodology for preparing forecasts of future loads and*  
30 *resources. After applying the commission's established*  
31 *methodology to the mandatory elements of the report*  
32 *specified in Section 25300, any electric utility may*  
33 *transmit to the commission supplementary information*  
34 *and forecasts based upon an alternative methodology. If*  
35 *such alternate methodology is employed, the electric*  
36 *utility shall fully describe the data and other components*  
37 *of the methodology, and shall specify the reasons why the*  
38 *approach is considered more accurate to that established*  
39 *by the commission.*

40 *25302. Upon receipt of a report required under*

1 Section 25300 from an electric utility, the commission  
 2 shall forward copies thereof to the Legislature, the Public  
 3 Utilities Commission, the Secretary of Resources Agency,  
 4 the Director of the Office of Planning and Research, and  
 5 other concerned state and federal agencies. The report  
 6 shall also be made available, at cost, to conservation  
 7 groups, business and professional organizations, and  
 8 other interested groups and individuals. The commission  
 9 shall also forward a copy of the report to each city and  
 10 county within the service area covered by the report, and  
 11 shall request that the city and county review and  
 12 comment on the report in relation to estimates of  
 13 population growth and economic development, patterns  
 14 of land use and open space, and conservation and other  
 15 appropriate elements of the adopted city or county  
 16 general plan.

17 25303. Within three months after receipt of the report  
 18 required under Section 25300, the commission shall hold  
 19 public hearings of which at least one shall be in the City  
 20 of Sacramento Any person may participate in any such  
 21 hearings. The hearing shall be conducted to secure the  
 22 views and comments of the public and of other state and  
 23 federal agencies, city and county governments, and  
 24 concerned private groups regarding the loads and  
 25 resources forecasted by the utilities.

26 25304. The commission shall review and evaluate the  
 27 electric utilities' forecasts of loads and resources in  
 28 relation to the population growth estimates prepared by  
 29 the Department of Finance, Population Research Unit,  
 30 and in relation to statewide and regional land use,  
 31 transportation, and economic development programs  
 32 and forecasts. The commission shall also examine the  
 33 implications of the forecast level of loads and resources  
 34 on, among others, all of the following:

35 (a) Critical environmental and other resources of the  
 36 state, including air and water quality, coastal, natural, and  
 37 other unique sites, and fuel resources.

38 (b) Public health and safety.

39 (c) Capital requirements for new facilities and costs to  
 40 consumers of electrical and other forms of energy.

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1     *(d) Other significant factors which relate to the*  
2 *provision of electrical energy in the amounts and in the*  
3 *manner proposed by the electric utilities.*

4     *The commission shall also consider alternative*  
5 *methods to those proposed by the electric utilities to*  
6 *meet forecasted electrical energy requirements.*

7     25305. *Within six months after the hearings specified*  
8 *in Section 25303, the commission shall prepare a*  
9 *preliminary report, setting forth its findings and*  
10 *conclusions regarding the accuracy and acceptability of*  
11 *the electric utilities forecasts. The report shall be based*  
12 *upon information and views presented at the public*  
13 *hearings on the electric utilities' forecasts and the*  
14 *commission's independent analysis and shall contain all of*  
15 *the following:*

16     *(a) The commission's evaluation of the probable*  
17 *service area and statewide, environmental, and economic*  
18 *impact and the health and safety aspect of constructing*  
19 *and operating the facilities proposed by the electric*  
20 *utilities and a description of the measures considered*  
21 *necessary by the commission to avoid or ameliorate any*  
22 *adverse impacts.*

23     *(b) The proposed alternative methods for meeting the*  
24 *electrical energy requirements identified by the electric*  
25 *utilities.*

26     *(c) The anticipated 5- and 10-year level of demand for*  
27 *energy to be utilized as a basis for certification of*  
28 *facilities, and an anticipated 20-year level of demand for*  
29 *energy to be utilized as a basis for energy conservation*  
30 *policies and actions.*

31     *(d) Identification, on a statewide and basis, of*  
32 *required electric facilities consistent with the*  
33 *commission's anticipated level of demand.*

34     *(e) An analysis and evaluation of the means by which*  
35 *the current annual rate of demand growth of electrical*  
36 *energy may be reduced, together with an estimate of the*  
37 *amount of such reduction to be obtained by each of the*  
38 *means analyzed and evaluated, including a statement of*  
39 *the impact of such reduction on the factors reviewed by*  
40 *the commission set forth in Section 25304 and subdivision*

1 (a) of this section.

2 25306. The commission shall distribute the report  
3 required under Section 25305 to the same persons, and  
4 under the same conditions, as prescribed in Section  
5 25302.

6 25307. Within three months after distribution of the  
7 commission's preliminary report pursuant to Section  
8 25306, the commission shall hold public hearings of which  
9 at least one shall in the City of Sacramento to obtain the  
10 views and comments of the electric utilities,  
11 governmental agencies, private groups, and the public on  
12 the commission's proposals and recommendations.

13 25308. Within three months after completion of the  
14 hearings specified in Section 25307, the commission shall  
15 establish and include within the commission's biennial  
16 report to the Governor and the Legislature, as specified  
17 in Section 25309, all of the following:

18 (a) The level of statewide and service area electrical  
19 energy demand for the forthcoming 5- and 10-year  
20 forecast or assessment period which, in the judgment of  
21 the commission, will reasonably balance requirements of  
22 state and service area growth and development,  
23 protection of public health and safety, preservation of  
24 environmental quality, and conservation of energy  
25 resources. Such 5- and 10-year forecasts or assessments  
26 established by the commission shall serve as the basis for  
27 planning and certification of facilities proposed by  
28 electric utilities.

29 (b) The anticipated level of statewide and service area  
30 electrical energy demand for 20 years, which shall serve  
31 as the basis for action by the commission and other  
32 appropriate public and private agencies in the following:

- 33 (1) Demand-reducing policies.
- 34 (2) Conservation of energy fuels.
- 35 (3) Development of potential sources of energy.
- 36 (4) Other policies and actions designed to affect the  
37 rate of growth in demand for electrical energy.

38 (c) A list, including maps, of existing electrical power  
39 generating sites, indicating those where the commission  
40 has determined that expansion is feasible within the

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1 forthcoming 10-year period.

2 (d) A list, including maps, of additional electrical  
3 generating sites, including the generating capacity of the  
4 sites and the type of fuel and other general characteristics  
5 of the facilities which, as determined by the commission,  
6 will be required to meet the 10-year level of electrical  
7 energy demand established by the commission as  
8 specified in subdivision (a) of this section.

9 25309. Beginning March 1, 1976, and every two years  
10 thereafter, the commission shall transmit to the Governor  
11 and the Legislature a comprehensive report designed to  
12 identify emerging trends related to energy supply,  
13 demand, and conservation and public health and safety  
14 factors and to provide the basis for state policy and  
15 actions in relation thereto, including, but not limited to,  
16 approval of new sites for additional facilities. The report  
17 shall include, but not be limited to, all of the following:

18 (a) An overview, looking 20 years ahead, of statewide  
19 growth and development as they relate to future  
20 requirements for energy, including patterns of urban  
21 metropolitan expansion, statewide and service area  
22 economic growth, shifts in transportation modes,  
23 modifications in housing types and design, and other  
24 trends and factors which, as determined by the  
25 commission, will significantly affect state energy policy  
26 and programs.

27 (b) Updating of the 5-, 10-, and 20-year levels of  
28 statewide and service area demand for electrical energy  
29 specified in subdivisions (a) and (b) of Section 25308. The  
30 commission shall present supporting information to  
31 explain upward or downward shifts from the previous  
32 estimates.

33 (c) Updating of the list, including maps, specified in  
34 subdivision (c) of Section 25308, of existing electrical  
35 power generating sites where further expansion is  
36 considered feasible.

37 (d) Updating of the list, including maps, specified in  
38 subdivision (d) of Section 25308, of additional electrical  
39 generating sites and the generating capacity required  
40 within each service area of the state within the

1 forthcoming 10-year period.

2 (e) Relevant and applicable air and water quality  
3 standards prescribed by any local, regional, state, or  
4 federal agency, to be identified by the commission, in any  
5 particular service area. Standards and guidelines related  
6 to land use control and other forms of environmental  
7 protection and public safety standards to be adopted by  
8 the commission.

9 (f) Based upon the commission's 20-year forecasts or  
10 assessment of growth trends in energy consumption,  
11 identification of potential adverse social, economic, or  
12 environmental impacts which might be imposed by  
13 continuation of the present trends, including, but not  
14 limited to, the costs of electrical and other forms of  
15 energy to consumers, significant increase in air, water,  
16 and other forms of pollution, threats to public health and  
17 safety, and loss of scenic and natural sites for facilities.

18 (g) Assessment of the state's energy resources,  
19 including among others, fossil fuels and nuclear, solar,  
20 and geothermal sources; examination of the availability of  
21 commercially developable fuels, including imported  
22 fuels, during the forthcoming 10- and 20-year periods; and  
23 recommendations regarding measures to be applied to  
24 conserve energy fuels.

25 (h) An analysis and evaluation of the means by which  
26 the current annual rate of demand growth of electrical  
27 energy may be reduced, together with an estimate of the  
28 amount of such reduction to be obtained by each of the  
29 means analyzed and evaluated, including, but not limited  
30 to, a statement of the impact of such reduction on the  
31 factors reviewed by the commission set forth in Section  
32 25304 and subdivision (a) of this section.

33 (i) The status of the commission's ongoing research  
34 and development program directed to energy supply,  
35 demand, and conservation and description of new  
36 projects which have been proposed for funding as  
37 specified in Chapter 7 (commencing with Section 25600)  
38 of this division.

39 (j) Description of the commission's adopted plan for  
40 emergency measures to be applied in the event of

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1 *impending serious shortage of electrical and other forms*  
2 *of energy as provided in Chapter 8 (commencing with*  
3 *Section 25700) of this division.*

4  
5 **CHAPTER 5. ENERGY RESOURCES CONSERVATION**  
6

7 *25400. The commission shall conduct an ongoing*  
8 *assessment of the opportunities and constraints*  
9 *presented by all forms of energy. The commission shall*  
10 *encourage the balanced use of all sources of energy to*  
11 *meet the state's needs and shall seek to avoid possible*  
12 *undesirable consequences of reliance on a single source*  
13 *of energy.*

14 *25401. The commission shall continuously carry out*  
15 *studies, research projects, data collection, and other*  
16 *activities required to assess the nature, extent, and*  
17 *distribution of energy resources to meet the needs of the*  
18 *state, including but not limited to fossil fuels and solar,*  
19 *nuclear, and geothermal resources. It shall also carry out*  
20 *studies, technology assessments, research projects, data*  
21 *collection and other activities directed to reducing*  
22 *wasteful, inefficient, unnecessary, or uneconomic uses of*  
23 *electrical energy, including but not limited to, all of the*  
24 *following:*

- 25 *(a) Pricing of electrical and other forms of energy.*  
26 *(b) Improved housing design and insulation.*  
27 *(c) Restriction of promotional activities designed to*  
28 *increase the use of electrical energy by consumers.*  
29 *(d) Improved appliance efficiency.*  
30 *(e) Advancements in power generation and*  
31 *transmission technology.*

32 *The commission shall continually assess the potential of*  
33 *commercially developable energy resources. The*  
34 *commission shall be a central repository of data and*  
35 *information on energy resources. The commission shall*  
36 *survey pursuant to this section all forms of energy on*  
37 *which to base its recommendations to the Governor and*  
38 *Legislature for elimination of waste or increases in*  
39 *efficiency for sources or uses of energy. The commission*  
40 *shall transmit to the Governor and the Legislature, as*

1 part of the biennial report specified in Section 25309,  
2 recommendations for state policy and actions for the  
3 orderly development of all potential sources of energy to  
4 meet the state's needs, including, but not limited to, fossil  
5 fuels and solar, nuclear, and geothermal resources, and to  
6 reduce wasteful and inefficient uses of energy.

7 25402. Within one year after the effective date of this  
8 division, the commission shall, after one or more public  
9 hearings, by regulations, do all of the following, in order  
10 to reduce the wasteful uneconomic, inefficient, or  
11 unnecessary consumption of energy:

12 (a) Prescribe minimum standards for lighting,  
13 insulation, climate control systems, and other building  
14 design and construction aspects which increase the  
15 efficient use of energy and which result in energy savings  
16 or a reduction of electrical energy capacity. Such  
17 standards shall be economically feasible in that the  
18 resultant savings in energy procurement shall be greater  
19 than the cost of the energy consuming requirements  
20 amortized over the designed life of the building. No city  
21 or county shall approve any building permit unless the  
22 standards prescribed by the commission pursuant to this  
23 section are satisfied.

24 (b) Prescribe per unit energy requirement allotments  
25 based on square footage for various classes of buildings  
26 which would reduce the growth rate of electrical energy  
27 consumption and which are technically feasible. No city  
28 or county shall approve any permit for any building  
29 unless the design of such building meets the energy  
30 allotment prescribed by the commission pursuant to this  
31 section.

32 (c) Prescribe minimum level of operating efficiency  
33 for all appliances whose use, as determined by the  
34 commission, require a significant amount of electrical  
35 energy on a statewide basis. Such minimum levels of  
36 operating efficiency shall be based on attainable  
37 efficiencies or improved feasible efficiencies which will  
38 reduce the electrical energy consumption growth rate.  
39 After six months following the date of the adoption of  
40 such minimum levels of operating efficiency, no

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1 *appliance may be sold in the state which is not certified*  
2 *by the manufacturer thereof to be in compliance with*  
3 *such minimum level of operating efficiency. Such*  
4 *minimum levels of efficiency shall not result in any added*  
5 *consumer costs which exceed the cost to the consumer of*  
6 *electrical procurement required to operate the appliance*  
7 *for the design life of such appliance.*

8 *(d) Prescribe minimum standards of efficiency for*  
9 *construction and operation of any new facility which are*  
10 *technically and economically feasible. Except as*  
11 *provided in Section 25529, no facility shall be certified*  
12 *pursuant to Chapter 6 (commencing with Section 25500)*  
13 *of this division if the standards established by the*  
14 *commission are not met.*

15 *25403. The commission shall submit to the Public*  
16 *Utilities Commission and to any publicly owned electric*  
17 *utility, recommendations designed to reduce wasteful,*  
18 *unnecessary, or uneconomic energy consumption*  
19 *through differential rate structures, cost-of-service*  
20 *allocations, elimination as a business expense, of*  
21 *advertising or promotional activities which encourage*  
22 *the use of electrical power, peakload pricing, and other*  
23 *pricing measures. The Public Utilities Commission or a*  
24 *publicly owned electric utility shall review and consider*  
25 *such recommendations and shall, within six months after*  
26 *the date it receives them, implement such*  
27 *recommendations. In the event the Public Utility*  
28 *Commission or any publicly owned electric utility finds*  
29 *that it is not feasible to implement such*  
30 *recommendations, it shall report to the Governor, the*  
31 *Legislature, and the commission setting forth the reasons*  
32 *why it is not feasible to implement such*  
33 *recommendations.*

34 *25404. The commission shall cooperate with the*  
35 *Office of Planning and Research, the Resources Agency*  
36 *and other interested parties in developing procedures to*  
37 *ensure that mitigation measures to minimize wasteful,*  
38 *inefficient, and unnecessary consumption of energy are*  
39 *included in all environmental impact reports required on*  
40 *local projects as specified in Section 21151.*

CHAPTER 6. POWER FACILITY CERTIFICATION

25500. In accordance with the provisions of this division, the commission shall have the exclusive power and responsibility to certify sites for all facilities in the state, except for any facility located in the permit area, whether designed to meet the requirements of a new facility or to change or add to an existing facility.

After the effective date of this division, no construction of any facility or modification of any existing facility shall be commenced without first obtaining certification for any such facility by the commission, as prescribed in this division.

The provisions of this division do not apply to construction of any new facility or modification of any existing facility for which the Public Utilities Commission has issued a Certificate of Public Convenience and Necessity before the effective date of this division.

25501. Each person who submits to the commission a notice of intent for any proposed generating facility shall accompany the notice with a fee of one cent (\$0.01) per kilowatt of net electric capacity of the proposed generation facility. Such fee shall only be paid on one of the alternate proposed facility sites which has the highest electrical designed capacity. In no event shall such fee be less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000).

For any other facility, the notice shall be accompanied by a fee of five thousand dollars (\$5,000). Such fee shall only be paid on one of the alternate proposed facility sites.

25502. The notice shall be in a form specified by the commission and shall be supported by such additional information and technical documentation as the commission may require.

25503. The notice shall state the intention of the applicant to file an application for a facility and shall propose at least three site locations for each new facility, at least one of which shall not be located, in whole or in part, in the coastal zone. If modification of an existing

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1 facility is proposed, the commission may require that  
2 alternative methods of providing the additional service  
3 or making the proposed modification be specified in the  
4 notice.

5 25504. The notice shall include a statement by the  
6 applicant describing the size of the proposed facility; the  
7 type or types of fuels to be used; the methods of  
8 construction and operation; the proposed site of the  
9 facility, together with location of associated transmission  
10 lines; a preliminary statement of the relative economic,  
11 technological, and environmental advantages and  
12 disadvantages of the alternative site proposals specified  
13 in the notice; a statement of need for the facility and  
14 compatibility with the most recent biennial report which  
15 the commission is required to submit to the Governor  
16 and the Legislature pursuant to Section 25309; and any  
17 other information that an electrical utility deems  
18 desirable to submit to the commission.

19 25505. Upon receipt of a notice, the commission shall  
20 cause a summary of the notice to be published in a  
21 newspaper of general circulation in each county in which  
22 the facility, or any part thereof, designated in the notice  
23 is proposed to be located. The commission shall also  
24 transmit a copy of the notice to each federal, state,  
25 regional, and local agency having jurisdiction or interest  
26 in matters pertinent to the proposed facility at any of the  
27 alternative sites. A copy of the notice shall also be  
28 transmitted to the Attorney General.

29 25506. The commission shall request the appropriate  
30 local, regional, state, and federal agencies to make  
31 comments and recommendations regarding the design,  
32 operation, and location of the facility designated in the  
33 notice, in relation to environmental quality, public health  
34 and safety, and other factors on which they may have  
35 expertise.

36 25507. If any siting alternative proposed in the notice  
37 is proposed to be located, in whole or in part, within the  
38 coastal zone, the commission shall transmit a copy of the  
39 notice to the California Coastal Zone Conservation  
40 Commission. The commission shall request that the

1 California Coastal Zone Conservation Commission  
2 complete an analysis of any coastal zone site and forward  
3 preliminary findings of the acceptability of any such site,  
4 prior to completion of the preliminary report required by  
5 Section 25515.

6 25508. The commission shall cooperate with, and  
7 render advice to, the California Coastal Zone  
8 Conservation Commission and an appropriate regional  
9 coastal zone conservation commission in studying  
10 applications for any facility proposed to be located, in  
11 whole or in part, within the permit area, if requested by  
12 such coastal zone commissions, and may invite the  
13 members of the California Coastal Zone Conservation  
14 Commission and regional coastal zone conservation  
15 commissions to participate in public hearings on the  
16 notice and on the application for facility certification, in  
17 connection with matters of mutual concern, as interested  
18 parties in such proceedings.

19 25509. No earlier than one month, and no later than  
20 three months, following the date of filing of a notice for  
21 a proposed facility, the commission shall conduct one or  
22 more public hearings in each county in which the facility,  
23 or any part thereof, designated in the notice is proposed  
24 to be located.

25 Any person may participate, to the extent deemed  
26 reasonable and relevant by the presiding member of the  
27 commission, in any such hearing. Such hearings shall be  
28 conducted in order to accomplish all of the following  
29 purposes:

30 (a) To ascertain and set forth the electrical demand  
31 basis for the proposed site of the facility.

32 (b) To provide knowledge and understanding of  
33 proposed facilities and sites.

34 (c) To obtain the views and comments of the public  
35 and concerned governmental agencies on the  
36 environmental, public health and safety, economic,  
37 social, and land use impacts of the facility at the proposed  
38 sites.

39 (d) To solicit information regarding reasonable  
40 alternative sources of the power to be provided by

1 alternative sites  
2 better carry out  
3 division.

4 25510. Upon  
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1 *alternative sites, or combinations thereof, which will*  
2 *better carry out the policies and objectives of this*  
3 *division.*

4 *25510. Upon completion of the hearing or hearings*  
5 *held pursuant to Section 25509, the commission shall*  
6 *determine the acceptability of each of the alternative*  
7 *sites designated in the notice. In addition to other*  
8 *matters, the commission's analysis shall be directed to*  
9 *determining conformity of each of the siting alternatives*  
10 *with the commission's adopted forecasts of demand and*  
11 *the applicable local, regional, state, and federal standards,*  
12 *ordinances, or laws.*

13 *25511. The commission shall review the factors*  
14 *related to safety and reliability of the facility at each of*  
15 *the alternative sites designated in the notice. In addition*  
16 *to other information requested of the applicant, the*  
17 *commission shall, in determining a more appropriate site*  
18 *alternatives, require detailed information on proposed*  
19 *emergency systems and safety precautions, plans for*  
20 *transport, handling and storage of wastes and fuels,*  
21 *proposed methods to prevent illegal diversion of nuclear*  
22 *fuels, special design features to account for seismic and*  
23 *other potential hazards, proposed methods to control*  
24 *density of population in areas surrounding nuclear*  
25 *powerplants, and such other information as the*  
26 *commission may determine to be relevant to the*  
27 *reliability and safety of the facility at the proposed sites.*  
28 *The commission shall analyze the information provided*  
29 *by the applicant, supplementing it, where necessary, by*  
30 *onsite investigations and other studies. The commission*  
31 *shall determine the adequacy of measures proposed by*  
32 *the applicant to protect public health and safety, and*  
33 *shall include its findings in the preliminary report*  
34 *required by Section 25515.*

35 *25512. The commission may request cooperation of*  
36 *any local, regional, state, or federal agency in obtaining*  
37 *information, undertaking studies, and performing other*  
38 *actions necessary to secure complete and adequate*  
39 *evaluation of the alternate sites designated in the notice.*

40 *25513. The commission shall consider the comments*

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1 and recommendations regarding land use,  
 2 environmental impact, affect on public health and safety,  
 3 or other factors relating to an alternative site designated  
 4 in the notice which are submitted at any time prior to the  
 5 publication of report required by Section 25515.

6 25514. At any time prior to completion of the  
 7 preliminary report required by Section 25515, the  
 8 commission may with the consent of the applicant,  
 9 amend any alternative site proposal contained in the  
 10 notice, or, add any additional alternative site proposal to  
 11 the notice.

12 25515. The commission shall prepare a preliminary  
 13 report on the alternative sites. The commission may  
 14 include within the preliminary report any other  
 15 alternatives proposed by the commission or presented to  
 16 the commission at a public hearing prior to preparation  
 17 of the preliminary report. The preliminary report shall be  
 18 published and made available to the public and to  
 19 interested local, regional, state, and federal agencies not  
 20 later than 30 days prior to any hearing required under  
 21 Section 25517.

22 25516. The preliminary report shall be based upon  
 23 testimony presented during any hearing on the notice,  
 24 the comments transmitted by local, regional, state, and  
 25 federal agencies and the public to the commission, and  
 26 the independent studies conducted by the commission's  
 27 staff. The preliminary report shall include the findings  
 28 and conclusions of the commission with respect to all of  
 29 the following:

30 (a) The degree to which each alternative site proposal  
 31 designated in the notice or presented at a hearing and  
 32 considered by the commission is in conformity with both  
 33 of the following:

34 (1) The forecast of state and regional electric power  
 35 demands adopted pursuant to Section 25308.

36 (2) Applicable local, regional, state, and federal  
 37 standards, ordinances, and laws.

38 (b) Relationship of each alternative site proposal  
 39 designated in the notice or presented at a public hearing  
 40 and considered by the commission.

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1 (c) *The safety and reliability of the facility at each of*  
2 *the sites designated in the notice as determined by the*  
3 *commission pursuant to Section 25511.*

4 *25517. No earlier than nine months, and not later than*  
5 *one year and eight months, after the date of completion*  
6 *of the hearing or hearings held pursuant to Section 25509,*  
7 *the commission shall conduct one or more hearings in*  
8 *each county in which the proposed facility is to be*  
9 *located. Any person may participate, to the extent*  
10 *deemed reasonable and relevant by the presiding*  
11 *member of the commission, in such hearing or hearings.*  
12 *The purpose of the hearing or hearings shall be to secure*  
13 *the comments of interested parties, including the*  
14 *applicant, local, regional, state, and federal agencies, and*  
15 *the public on the commission's findings and conclusions*  
16 *and other matters set forth in the preliminary report.*

17 *25518. The commission shall consider the comments,*  
18 *recommendations, and issues presented at the hearing or*  
19 *hearings on the preliminary report and shall undertake*  
20 *further study of siting alternatives as necessary. Within*  
21 *six months after the completion of the hearing or*  
22 *hearings required by Section 25517, the commission shall*  
23 *prepare and make public a final report on the notice. The*  
24 *final report shall include, but not be limited to, all of the*  
25 *following:*

26 (a) *The findings and conclusions of the commission*  
27 *regarding the conformity of alternative sites designated*  
28 *in the notice or presented at the public hearing or*  
29 *hearings and reviewed by the commission with both of*  
30 *the following:*

31 (1) *The 10-year forecast of service area electric power*  
32 *demands adopted pursuant to subdivision (b) of Section*  
33 *25302.*

34 (2) *The applicable local, regional, state, and federal*  
35 *standards, ordinances, or law as to any particular facility*  
36 *site.*

37 (b) *Any findings and comments submitted by the*  
38 *California Coastal Zone Conservation Commission or any*  
39 *regional coastal zone conservation commission regarding*  
40 *conformity of any siting alternative proposed in the*

1 coastal zone with policies, regulations, or guidelines  
 2 established by the commission. Such findings and  
 3 comments, however, shall not constitute approval of any  
 4 permit required from any regional coastal zone  
 5 conservation commission or California Coastal Zone  
 6 Conservation Commission on appeal.

7 (c) The commission's ruling on the acceptability of  
 8 each alternative siting proposal designated in the notice  
 9 or presented at the public hearings and reviewed by the  
 10 commission. In its decision on any alternative siting  
 11 proposal, the commission may specify modification in the  
 12 design, construction, location, or other conditions which  
 13 will meet the standards, policies, and guidelines  
 14 established by the commission.

15 25519. The approval of the notice by the commission  
 16 shall be based upon its findings in the final report. The  
 17 notice shall not be approved unless the commission finds  
 18 at least two alternative site proposals considered in the  
 19 commission's final report as acceptable. If the  
 20 commission does not find at least two sites acceptable,  
 21 additional sites may be proposed by the applicant which  
 22 shall be considered in the same manner as those proposed  
 23 in the original notice.

24 25520. Any person proposing to construct any facility  
 25 shall file an application for certification within three  
 26 years after the date of publication of the final report on  
 27 the notice.

28 An application may only be filed for a site found  
 29 acceptable in the commission's final report on the notice.

30 25521. The application shall be in a form prescribed  
 31 by the commission and shall include, but not be limited  
 32 to, all of the following:

33 (a) A detailed description of the design, construction,  
 34 and operation of the proposed facility.

35 (b) Safety and reliability information, including, in  
 36 addition to documentation previously provided pursuant  
 37 to Section 25511, planned provisions for emergency  
 38 operations and shutdowns.

39 (c) Available site information, including maps and  
 40 descriptions of present and proposed development and,

1 as appropriate  
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 3 justification for  
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 5 operation, and  
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1 as appropriate, geological, aesthetic, ecological, seismic,  
2 water supply, population and load center data, and  
3 justification for the particular site proposed.

4 (d) Such other information relating to the design,  
5 operation, and siting of the facility as the commission may  
6 specify.

7 25522. Upon receipt of the application, the  
8 commission shall undertake studies and investigations  
9 necessary to comply with the environmental impact  
10 reporting procedures established pursuant to Section  
11 21100. For purposes of preparation and approval of the  
12 environmental impact report on a proposed facility, the  
13 commission shall be the lead agency as provided in  
14 Section 21165, except as to any facility proposed to be  
15 located within the permit area. Except as otherwise  
16 provided in Division 13 (commencing with Section  
17 21000), the environmental impact report shall be  
18 completed within one year after receipt of the  
19 application.

20 25523. If the siting proposal specified in the  
21 application is proposed to be located in the coastal zone,  
22 the commission shall transmit a copy of the application to  
23 the California Coastal Zone Conservation Commission  
24 for its review and comments.

25 25524. Upon receipt of an application, the commission  
26 shall forward the application to local governmental  
27 agencies having land use and related jurisdiction in the  
28 area of the proposed facility. Such local agencies shall  
29 review the application and submit comments on, among  
30 other things, the design of facility, architectural and  
31 aesthetic features of the facility, access to highways,  
32 landscaping and grading, public use of lands in the area  
33 of the facility, and other appropriate aspects of the  
34 design, construction, or operation of the proposed  
35 facility.

36 25525. Upon receipt of an application, the commission  
37 shall cause a summary of the application to be published  
38 in a newspaper of general circulation in the county in  
39 which the facility, or any part thereof, designated in the  
40 application, is proposed to be located. The commission

1 shall transmit a copy of the application to each federal  
2 and state agency having jurisdiction or special interest in  
3 matters pertinent to the proposed facility, and to the  
4 Attorney General.

5 25526. Upon completion of the environmental impact  
6 report on the application, but not earlier than three  
7 months and not later than one year after receipt of the  
8 application, the commission shall conduct at least one  
9 public hearing in the county in which the facility, or any  
10 part thereof, designated in the application is proposed to  
11 be located.

12 Any person may participate, to the extent deemed  
13 reasonable and relevant by the presiding member of the  
14 commission, in such hearing or hearings.

15 25527. Within three months, but not later than nine  
16 months after completion of the hearing or hearings on  
17 the application, the commission shall issue a written  
18 decision on the application. The decision shall include all  
19 of the following:

20 (a) Findings regarding the conformity of the proposed  
21 facility with the 10-year forecast of state and service area  
22 electric power demands adopted pursuant to subdivision  
23 (b) of Section 25309.

24 (b) Findings regarding the conformity of the  
25 proposed facility to public safety standards and the  
26 applicable air and water quality standards, and other  
27 local, regional, state, and federal standards, ordinances, or  
28 laws.

29 (c) Specific provisions relating to the manner in which  
30 the proposed facility is to be designed, sited, and  
31 operated in order to protect environmental quality and  
32 assure public health and safety.

33 (d) The commission's decision on issuance or denial of  
34 the certification for any facility contained in the  
35 application.

36 25528. The commission shall not certify any facility  
37 contained in the application, unless its findings with  
38 respect to subdivision (a) of Section 25527 are in the  
39 affirmative.

40 25529. The commission shall not certify any facility

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32 any district  
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34 jurisdiction,  
35 of property  
36 or county.  
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1 contained in the application when it finds that the facility  
2 does not conform with the findings of subdivision (b) of  
3 Section 25527; unless the commission determines that  
4 such facility is required for public convenience and  
5 necessity and that there are not more prudent and  
6 feasible means of achieving such public convenience and  
7 necessity. In no event shall the commission make any  
8 finding in conflict with applicable federal law or  
9 regulation.

10 25530. The commission shall not certify any facility  
11 contained in the application which is proposed to be  
12 located, in whole or in part, within the permit area unless  
13 a permit for the facility has been obtained from an  
14 appropriate regional coastal zone conservation  
15 commission, or the California Coastal Zone Conservation  
16 Commission on appeal. Approval of a permit by any  
17 regional coastal zone conservation commission, or the  
18 California Coastal Zone Conservation Commission on  
19 appeal, however, shall not effect the authority of the  
20 commission to deny certification for any facility  
21 contained in the application, as provided in this division.

22 25531. The commission shall not certify any facility  
23 contained in the application which is proposed to be  
24 located in any state, regional, county, or city park or any  
25 other area under the jurisdiction of a public agency and  
26 managed for wildlife protection, recreation, historic  
27 preservation, or scientific study.

28 25532. The commission shall require, as a condition of  
29 certification of any facility contained in the application,  
30 that any city, city and county, or county, proposing to site  
31 a facility in another city, city and county, or county, or  
32 any district or other public agency proposing to site a  
33 facility outside its district or the boundaries of its  
34 jurisdiction, shall provide for an annual payment in lieu  
35 of property taxes on such site to such city, city and county,  
36 or county. The amount of such payment shall be  
37 determined by the State Board of Equalization.

38 25533. The commission shall require, as a condition of  
39 certification of any facility contained in the application,  
40 that the applicant acquire development rights of lands in

1 the area of the proposed facility which, as the commission  
2 determines, are necessary to control future population  
3 growth and land use in the interests of public health and  
4 safety.

5 25534. When a facility is proposed to be located in the  
6 coastal zone or any other area with recreational, scenic,  
7 or historic value, the commission shall require, as a  
8 condition of certification of any facility contained in the  
9 application, that an area be established for public use, as  
10 determined by the commission. Lands within such area  
11 shall be acquired and maintained by the applicant and  
12 shall be available for public access and use, subject to  
13 restrictions required for security and public safety. The  
14 commission shall also require that any facility to be  
15 located along the coast or shoreline of any major water  
16 body be set back from the shoreline to permit reasonable  
17 public use and to protect scenic and aesthetic values.

18 25535. If a certification of any facility contained in the  
19 application is denied, the commission shall require that  
20 any onsite improvements be removed and the site be  
21 restored as determined by the commission to be  
22 necessary to preserve and protect environmental  
23 resources.

24 25536. The commission may amend the conditions of,  
25 or revoke the certification for, any facility for any of the  
26 following reasons:

27 (a) For any material false statement set forth in the  
28 application, presented in proceedings of the commission,  
29 or included in supplemental documentation provided by  
30 the applicant.

31 (b) For failure to comply with the terms or conditions  
32 of approval of the application as specified by the  
33 commission in its written decision.

34 (c) For violation of any provision of this division or any  
35 regulation or order issued by the commission under this  
36 division.

37 25537. The commission shall establish a monitoring  
38 system to assure that any facility certified under this  
39 division is constructed and is operating in compliance  
40 with air and water quality, public health and safety, and

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1 other applicable regulations, guidelines, and conditions  
2 adopted or established by the commission or specified in  
3 the written decision on the application. In designing and  
4 operating the monitoring system, the commission shall  
5 seek cooperation and assistance of the State Air  
6 Resources Board, the State Water Resources Control  
7 Board, the Department of Health, and other state,  
8 regional, and local agencies which have interest in  
9 environmental control.

10 25538. Pending completion of the state and service  
11 area forecasts of electric power demands specified in  
12 Section 25309, the commission shall accept and process  
13 notices and applications as provided in this section.  
14 During this period, the commission may utilize, for  
15 purposes of determining the acceptability of siting  
16 proposals as provided in subdivision (a) of Section 25518,  
17 the 5- and 10-year forecasts of loads and resources  
18 prepared annually by the Public Utilities Commission.  
19 However, the commission may not certify any facility  
20 contained in the application until it has independently  
21 prepared and adopted forecasts and assessments of  
22 demand and reviewed proposed facilities in relation  
23 thereto as specified in Section 25527.

24 25539. Upon approval of an application, the  
25 commission shall forward to the Atomic Energy  
26 Commission, the Environmental Protection Agency, and  
27 to other appropriate federal agencies, the results of its  
28 studies including the environmental impact report on the  
29 facility, the written decision on the facility contained in  
30 the application, and the commission's determination of  
31 facility safety and reliability as provided in Section 25511.

32 25540. All payments made pursuant to this chapter  
33 are an integral part of the cost of the proposed facility for  
34 all purposes including, but not limited to, the rate base of  
35 the applicant.

36

37 CHAPTER 7. RESEARCH AND DEVELOPMENT

38

39 25600. The commission shall carry on a program of  
40 research and development of energy resources, and shall

1 give priority to those forms of research and development  
 2 which will have unique benefits to the state, including,  
 3 but not limited to, methods of energy conservation  
 4 specified in Chapter 5 (commencing with Section 25400),  
 5 increased efficient uses of existing thermal electric and  
 6 hydroelectric powerplants, increased efficiencies in  
 7 designs of fossil fuel and hydroelectric powerplants, and  
 8 other measures specified in Section 25603. Such program  
 9 may include research and development in energy supply  
 10 and demand and the technology of siting facilities.

11 25601. Beginning with the 1976-77 fiscal year, the  
 12 commission shall each year submit to the Governor for  
 13 inclusion in the state budget an integrated program of  
 14 proposed research and development projects including  
 15 the priority items established in Sections 25600 and 25602.  
 16 The commission shall describe the objectives and  
 17 anticipated end product of each project, funding and staff  
 18 requirements, timing, and other information which is  
 19 necessary to adequately describe the projects. As part of  
 20 such submittal, the commission shall describe the  
 21 progress of its programs.

22 25602. In addition to measures to conserve energy  
 23 resources specified in Sections 25400 and 25600, the  
 24 commission shall give priority in its research and  
 25 development program to those problems which are of  
 26 particular relevance to this state, including, but not  
 27 limited to, all of the following:

28 (a) Exploration and accelerated development of  
 29 alternative sources of energy, including geothermal and  
 30 solar resources.

31 (b) Improved methods of construction, design, and  
 32 operation of facilities to protect against seismic hazards.

33 (c) New technology related to coastal and offshore  
 34 siting of facilities.

35 (d) Expanded use of wastewater and other  
 36 advancements in powerplant cooling.

37 (e) Improved methods of power transmission to  
 38 permit interstate and interregional transfer and  
 39 exchange of bulk electric power.

40 (f) Measures to reduce wasteful and inefficient uses of

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1 energy.

2 (g) Implications for energy consumption of shifts in  
3 transportation modes.

4 (h) Methods of recycling, extracting, processing,  
5 fabricating, handling, or disposing of materials, especially  
6 metals which require large commitments of energy for  
7 extraction and manufacturing.

8 (i) The effect of expanded recycling of materials on  
9 energy consumption.

10 (j) Improved methods of energy demand forecasting.

11 25603. The commission shall carry out technical  
12 assessment studies on all forms of energy and energy  
13 related problems, in order to influence federal research  
14 and development priorities and to be informed on future  
15 energy options, including, but not limited to, advanced  
16 nuclear cycles, fusion, fuel cells, and the total energy  
17 concepts. Such assessments may also be conducted in  
18 order to determine which energy systems among  
19 competing technologies are most compatible with health  
20 and safety standards established pursuant to Chapter 4  
21 (commencing with Section 25300) of this division.

22 The commission shall in cooperation with other state  
23 agencies, undertake, for research purposes, the design,  
24 construction, and operation of low-energy buildings using  
25 data developed pursuant to Section 25401, in order to  
26 demonstrate the economic and technical feasibility of  
27 such designs.

28 25604. For purposes of carrying out the provisions of  
29 this chapter, the commission may contract with any  
30 person for materials and services that cannot be  
31 performed by its staff or other state agencies, and may  
32 apply for federal grants or any other funding.

33  
34 **CHAPTER 8. EMERGENCY POWERS**

35  
36 25700. The commission shall, in accordance with the  
37 provisions of this chapter, restrict the use of, or limit the  
38 availability of, electrical or other forms of energy to avoid  
39 impending serious shortages of electrical energy or fossil  
40 fuel supplies and to protect the public health, safety, and

1 welfare.

2 25701. (a) Within six months after the effective date  
3 of this division, each electric utility, person supplying  
4 natural gas, and fuel manufacturer in the state shall  
5 prepare and submit to the commission a proposed  
6 emergency load curtailment program plan or emergency  
7 distribution plan setting forth proposals for identifying  
8 priority loads or users in the event of a sudden and serious  
9 shortage of fuels or interruption in electrical capacity.

10 (b) The commission shall encourage electric utilities  
11 to jointly cooperate in preparation of an emergency load  
12 curtailment program plan or emergency distribution  
13 plan. If such a cooperative plan is developed between two  
14 or more electric utilities, such utilities may submit such  
15 joint plans to the commission in place of individual plans  
16 required by subdivision (a) of this section.

17 25702. The commission shall review the emergency  
18 load curtailment program plans or emergency  
19 distribution plans submitted pursuant to Section 25701,  
20 and, within one year after the effective date of this  
21 division, the commission shall adopt an Emergency Load  
22 Curtailment and Energy Distribution Plan. The plan  
23 shall be based upon the plans presented by the electric  
24 utilities persons supplying natural gas, fuel  
25 manufacturers, and independent analysis and study by  
26 the commission.

27 25703. After the adoption of the plan, each electric  
28 utility, person supplying natural gas, and fuel  
29 manufacturers shall, in the event of serious sudden  
30 shortage of electrical energy or any fuel, carry out the  
31 responsibilities specified in the plan.

32 25704. Within four months after the date of  
33 certification of any new facility, the commission shall  
34 review and revise the plan based on additional new  
35 capacity attributed to any such facility.

36 25705. The commission shall carry out studies to  
37 determine if potential serious shortages of electrical, gas,  
38 or other sources of energy are likely to occur. If the  
39 commission finds that a serious shortage of electrical  
40 energy or any fuels, including petrochemicals, is probable

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1 *in the state or any part of the state, the commission may*  
2 *take any of the following actions:*

3 *(a) Recommend to the Public Utilities Commission*  
4 *changes in the rates or rate schedule for electrical power*  
5 *and natural gas.*

6 *(b) Require that electric utilities restrict new service*  
7 *connections.*

8 *(c) Allocate electrical energy and fuels among users to*  
9 *assure that critical energy needs are supplied.*

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*CHAPTER 9. STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT FUND*

12

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14 *25800. There is hereby created the State Energy*  
15 *Resources Conservation and Development Fund in the*  
16 *State Treasury. On and after the effective date of this*  
17 *division, each electric utility shall add a surcharge of*  
18 *two-tenths of a mill (\$0.0002) per kilowatt hour to the cost*  
19 *of electric power sold to consumers in the state.*

20 *25801. The Public Utilities Commission shall require*  
21 *all electric utilities in the state to make quarterly*  
22 *payments, commencing on January 1, of each year, to the*  
23 *State Treasurer of all funds received pursuant to this*  
24 *division, less administrative costs incurred in collecting*  
25 *and transferring such funds to the state. The amount of*  
26 *funds retained by any electric utility for administrative*  
27 *costs shall not exceed 1.5 percent of the total funds*  
28 *collected by any such utility.*

29 *25802. All the moneys received pursuant to the*  
30 *provisions of this division shall be deposited in the fund*  
31 *and shall be subject to state auditing procedure. The*  
32 *moneys in the fund shall be expended, without regard to*  
33 *fiscal years, for purposes of carrying out the provisions of*  
34 *this division, when appropriated by the Legislature.*

35

*CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW*

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38 *25900. Whenever the commission finds that any*  
39 *provision of this division is violated or a violation is*  
40 *threatening to take place which constitutes an*

1 *emergency requiring immediate action to protect the*  
2 *public health, welfare, or safety, the Attorney General,*  
3 *upon request of the commission, shall petition a court to*  
4 *enjoin such violation. The court shall have jurisdiction to*  
5 *grant such prohibitory or mandatory injunctive relief as*  
6 *may be warranted by way of temporary restraining*  
7 *order, preliminary injunction, and permanent injunction.*  
8 *25901. (a) Within 30 days after the commission issues*  
9 *its determination on the application for certification, any*  
10 *aggrieved person may file with the superior court a*  
11 *petition for a writ of mandate for review thereof. Failure*  
12 *to file such an action shall not preclude a person from*  
13 *challenging the reasonableness and validity of a decision*  
14 *in any judicial proceedings brought to enforce such*  
15 *decision for other civil remedies.*  
16 *(b) The evidence before the court shall consist of the*  
17 *record before the commission, and any other relevant*  
18 *facts which, in the judgment of the court, should be*  
19 *considered in determining the validity of any decision of*  
20 *the commission.*  
21 *(c) Except as otherwise provided herein, the*  
22 *provisions of subdivisions (e) and (f) of Section 1094.5 of*  
23 *the Code of Civil Procedure shall govern proceedings*  
24 *pursuant to this section.*  
25 *SEC. 3. No appropriation is made by this act, nor is*  
26 *any obligation created thereby under Section 2164.3 of*  
27 *the Revenue and Taxation Code, for the reimbursement*  
28 *of any local agency for any costs that may be incurred by*  
29 *it in carrying on any program or performing any service*  
30 *required to be carried on or performed by it by this act.*

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