

AMENDED IN ASSEMBLY AUGUST 6, 1973

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 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.

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 there are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.~~

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

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

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

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

(a) The environmental impact of the proposed action.

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

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

(d) Alternatives to the proposed action.

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

(f) Any irreversible environmental changes which

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1 would be involved in the proposed action should it be
2 implemented.

3 (g) The growth-inducing impact of the proposed
4 action.

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

7
8 DIVISION 15. ENERGY CONSERVATION AND
9 DEVELOPMENT

10
11 CHAPTER 1. TITLE AND GENERAL PROVISIONS

12
13 25000. This division shall be known and may be cited
14 as the State Energy Resources Conservation and
15 Development Act.

16 25001. The Legislature hereby finds and declares that
17 electrical energy is essential to the health, safety and
18 welfare of the people of this state and that it is the
19 responsibility of state government to ensure that a
20 reliable supply of electrical energy is maintained at a
21 level consistent with the need for such energy for
22 protection of public health and safety, and for
23 environmental quality protection.

24 25002. The Legislature further finds and declares that
25 the present rapid rate of growth in demand for electric
26 energy is in part due to wasteful, uneconomic, inefficient,
27 and unnecessary uses of power and a continuation of this
28 trend will result in serious depletion or irreversible
29 commitment of fuels, land and water resources, and
30 potential threats to the state's environmental quality.

31 25003. The Legislature further finds and declares that
32 plans for future electrical generating and transmitting
33 facilities should be coordinated with state, regional, and
34 local plans for land use, urban expansion, transportation
35 systems, environmental protection, and economic
36 development.

37 25004. The Legislature further finds and declares that
38 there is a pressing need to accelerate research and
39 development into alternative sources of energy and into
40 improved technology of design and siting of power

1 facilities.

2 25005. The Legislature further finds and declares that
3 prevention of delays and interruptions in the orderly
4 provision of electrical energy, protection of
5 environmental values, and conservation of energy
6 resources require expanded authority and technical
7 capability within state government.

8 25006. It is the policy of the state and the intent of the
9 Legislature to establish and consolidate within state
10 government responsibility for managing the state's
11 energy resources, for encouraging and conducting
12 research and development into energy supply and
13 demand problems, and for regulating electrical
14 generating and transmitting facilities.

15 25007. It is further the policy of the state and the
16 intent of the Legislature to employ a range of measures
17 to influence the rate of growth of electricity consumption
18 in order to reduce wasteful, uneconomical, and
19 unnecessary uses, prudently conserve energy resources,
20 and assure statewide environmental, public safety, and
21 land use goals.

22
23 CHAPTER 2. DEFINITIONS

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25 25100. Unless the context otherwise requires, the
26 definitions in this chapter govern the construction of this
27 division.

28 25101. "Applicant" means any person who submits an
29 application for certification pursuant to the provisions of
30 this division.

31 25102. "Application" means any request for
32 certification of any facility filed in accordance with the
33 procedures established pursuant to this division.

34 25103. "Coastal zone" means the "coastal zone" as
35 defined in Section 27100.

36 25104. "Commission" means the State Energy
37 Resources Conservation and Development Commission.

38 25105. "Construction" means onsite work to install
39 permanent equipment or structure for any facility.

40 "Construction" does not include any of the following:

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2 equipment.

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1 (a) The installation of environmental monitoring
2 equipment.

3 (b) A soil or geological investigation.

4 (c) A topographical survey.

5 (d) Any other study or investigation to determine the
6 environmental acceptability or feasibility of the use of the
7 site for any particular facility.

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

10 25106. "Counsel" means the legal counsel employed
11 by the commission pursuant to Section 25217.

12 25107. "Electric transmission line" means any electric
13 power line which carries more than 200 kilovolts and all
14 appurtenant facilities thereof, including, but not limited
15 to, switching yards. "Electric transmission line" does not
16 include any replacement on the existing site of existing
17 facilities with facilities equivalent thereto or the
18 placement of new or additional conductors, insulators, or
19 accessories related thereto on supporting structures in
20 existence on the effective date of this division.

21 25108. "Electric utility" means any person engaged
22 in, or authorized to engage in, generating, transmitting,
23 or distributing electric power, including, but not limited
24 to, any such person who is subject to the regulation of the
25 Public Utility Commission.

26 25109. "Energy" means work or heat that is, or may
27 be, produced from any fuel or source whatsoever.

28 25110. "Facility" means any electric transmission line
29 or thermal powerplant regulated according to the
30 provisions of this division.

31 25111. "Fund" means the State Energy Resources
32 Conservation and Development Fund.

33 25112. "Member" or "member of the commission"
34 means a member of the State Energy Resources
35 Conservation and Development Commission appointed
36 pursuant to Section 25200.

37 25113. "Notice" means the notice of intent which
38 shall state the intention of an applicant to file an
39 application for certification of any facility.

40 25114. "Party of interest" means any person who the

1 commission finds and acknowledges as having a real and
2 direct interest in any proceeding or action carried on,
3 under, or as a result of the operation of, this division.

4 25115. "Permit area" means the "permit area" as
5 defined in Section 27104.

6 25116. "Person" means any person, firm, association,
7 organization, partnership, business trust, corporation, or
8 company. "Person" also includes any city, county, public
9 district or agency, the state or any department or agency
10 thereof, and the United States to the extent authorized by
11 federal law.

12 25117. "Plan" means the Emergency Load
13 Curtailment and Energy Distribution Plan.

14 25118. "Service area" means any contiguous
15 geographic area serviced by the same electric utility.

16 25119. "Site" means any proposed location on which
17 a facility is constructed or is proposed to be constructed.

18 25120. "Thermal powerplant" means any stationary
19 or floating electrical generating facility using any source
20 of thermal energy, with a generating capacity of 50
21 megawatts or more, and any facilities appurtenant
22 thereto.

23

24 CHAPTER 3. STATE ENERGY RESOURCES
25 CONSERVATION AND DEVELOPMENT COMMISSION

26

27 25200. There is in the Resources Agency the State
28 Energy Resources Conservation and Development
29 Commission, consisting of five members appointed by
30 the Governor subject to the confirmation of the Assembly
31 and the Senate pursuant to Section 25204.

32 25201. One member of the commission shall be
33 qualified in the field of physical science; one member
34 shall be an attorney and a member of the State Bar of
35 California who is qualified in the field of governmental or
36 administrative law; one member shall be an ecologist
37 with background and experience in the study of natural
38 biological ecosystems; one member shall be an economist
39 with background and experience in the field of natural
40 resource management; and one member shall be from

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2 25202. The Secretary of the Resources Agency and
3 the chairman of the Public Utilities Commission shall be
4 ex officio, nonvoting members of the commission, whose
5 presence shall not be counted for a quorum or for vote
6 requirements.

7 25203. Each member of the commission shall
8 represent the state at large and not any particular area
9 thereof and shall serve on a full-time basis.

10 25204. The Governor shall appoint the members of
11 the commission within 30 days after the effective date of
12 this division. The appointments to the commission shall
13 be confirmed unless the appointment is rejected by a
14 majority vote of all the members of either the Assembly
15 or the Senate within 60 days from the date of
16 appointment by the Governor. Action by either house to
17 reject any appointment shall cause a vacancy in the office
18 to which the appointment was made, and the Governor
19 shall, within 30 days, make another appointment.

20 25205. (a) No person shall be a member of the
21 commission who, during the past two years prior to
22 appointment on the commission, received any portion of
23 his income directly or indirectly from any electric utility,
24 or any person who engages in sale or manufacture of any
25 component of any facility. No member of the commission
26 shall be employed by any electric utility, applicant, or any
27 person who engages in sale or manufacture of any
28 component of any facility within two years after he ceases
29 to be a member of the commission.

30 (b) Except as provided in Section 25202, the members
31 of the commission shall not hold any other elected or
32 appointed public office or position.

33 (c) The members of the commission and all employees
34 of the commission shall comply with all applicable
35 provisions of Section 19251 of the Government Code.

36 (d) No person who is a member or employee of the
37 commission shall participate personally and substantially
38 as a member or employee of the commission, through
39 decision, approval, disapproval, recommendation, the
40 rendering of advice, investigation, or otherwise, in a

1 judicial or other proceeding, hearing, application,
 2 request for a ruling, or other determination, contract,
 3 claim, controversy, study, plan, or other particular matter
 4 in which, to his knowledge, he, his spouse, minor child, or
 5 partner, or any organization in which he is serving, or has
 6 served as officer, director, trustee, partner, or employee
 7 while serving as a member or employee of the
 8 commission or within two years prior to his appointment
 9 as a member of the commission, has a direct or indirect
 10 financial interest.

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

20 (f) The provisions of subdivisions (c), (d), and (e) of
 21 this section shall not apply, if the Attorney General finds
 22 that the interest of the member or employee of the
 23 commission is not so substantial as to be deemed likely to
 24 affect the integrity of the services which the state may
 25 expect from such member or employee.

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

31 25206. The terms of office of the members of the
 32 commission shall be for six years, except that the
 33 members first appointed to the commission shall classify
 34 themselves by lot so that the term of office of one
 35 member shall expire at the end of two years after the
 36 effective date of this division; the terms of office of two
 37 members shall expire at the end of four years after the
 38 effective date of this division, and the terms of office of
 39 two members shall expire at the end of six years after the
 40 effective date of this division. Any vacancy shall be filled

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1 by the Governor within 30 days of the date on which a
2 vacancy occurs for the unexpired portion of the term in
3 which it occurs or for any new term of office.

4 If the Governor fails to make an appointment for any
5 vacancy within such 30-day period, the Senate Rules
6 Committee may make the appointment to fill the
7 vacancy for the unexpired portion of the term in which
8 the vacancy occurred or for any new term of office,
9 subject to the confirmation as prescribed by Section
10 25204.

11 25207. The members of the commission shall receive
12 an annual salary as prescribed by Section 11550 of the
13 Government Code.

14 Each member of the commission shall receive the
15 necessary traveling and other expenses incurred in the
16 performance of his official duties. When necessary the
17 members of the commission and its employees may travel
18 within or without the state.

19 25208. Before entering upon the duties of his office
20 each member of the commission shall execute an official
21 bond to the state in the penal sum of twenty-five
22 thousand dollars (\$25,000), conditioned upon the faithful
23 performance of his duties.

24 25209. Each member of the commission shall have
25 one vote. Except as provided in Section 25211, the
26 affirmative votes of at least three members shall be
27 required for the transaction of any business of the
28 commission.

29 25210. The commission may hold any hearings and
30 conduct any investigations in any part of the state
31 necessary to carry out its powers and duties prescribed by
32 this division and for such purposes has the same powers
33 as is conferred upon heads of departments of the state by
34 Article 2 (commencing with Section 11180) of Chapter 2,
35 Part 1, Division 3, Title 2 of the Government Code.

36 25211. The commission may appoint a committee of
37 not less than three members of the commission to carry
38 on investigations, inquiries, or hearings which the
39 commission has power to undertake or to hold. Every
40 order made by such committee pursuant to such inquiry,

1 investigation, or hearing, when approved or confirmed
2 by the commission and ordered filed in its office, shall be
3 the order of the commission.

4 25212. The Governor shall designate the chairman
5 of the commission from among its members. The person
6 so designated shall hold the office of chairman at the
7 pleasure of the Governor. The commission shall elect a
8 vice chairman from among its members.

9 25213. The commission shall adopt rules for the
10 conduct of its affairs in conformity with the provisions of
11 Chapter 4.5 (commencing with Section 11371) of Part 1,
12 Division 3, Title 2 of the Government Code.

13 25214. The commission shall maintain its
14 headquarters in the City of Sacramento and may establish
15 branch offices in such parts of the state as the commission
16 deems necessary. The commission shall hold meetings at
17 such times and at such places as shall be determined by
18 it. All meetings and hearings of the commission shall be
19 open to the public. The first meeting of the commission
20 shall be held within 75 days after the effective date of this
21 division. The Governor shall designate the time and place
22 for the first meeting of the commission.

23 25215. Any member of the commission may be
24 removed from office by the Legislature, by concurrent
25 resolution adopted by a majority vote of all members
26 elected to each house, for dereliction of duty or
27 corruption or incompetency.

28 25216. In addition to other duties specified in this
29 division, the commission shall do all of the following:

30 (a) Undertake a continuing assessment of trends in
31 the consumption of electrical energy and other forms of
32 energy and analyze the social, economic, and
33 environmental consequences of these trends; carry out
34 directly, or cause to be effectuated, energy conservation
35 measures specified in Chapter 5 (commencing with
36 Section 25400) of this division; and recommend to the
37 Governor and the Legislature new and expanded energy
38 conservation measures as required to meet the objectives
39 of this division.

40 (b) Develop procedures for collecting from electric

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1 utilities and other sources forecasts of future loads and
2 resources for all sources of energy, including electrical;
3 independently analyze such forecasts in relations to
4 statewide estimates of population, economic, and other
5 growth factors and in terms of the availability of fuel
6 resources, costs to consumers, and other factors; and
7 formally specify statewide and service area energy
8 demands to be utilized as a basis for planning the siting
9 and design of electric power generating and related
10 facilities.

11 (c) Carry out, or cause to be carried out, under
12 contract or other arrangements, research and
13 development into alternative sources of energy,
14 improvements in energy generation, transmission, and
15 siting, fuel substitution, and other topics related to
16 energy supply, demand, public safety, ecology, and
17 conservation.

18 25216.3. (a) The commission shall compile local,
19 regional, state, and federal land use, public safety,
20 environmental, and other standards to be met in
21 designing, siting, and operating in the state; adopt
22 standards, except for air and water quality, to be met in
23 designing or operating facilities to safeguard public
24 health and safety, which shall be more stringent than
25 those adopted by local, regional, or other state agencies,
26 or by any federal agency if permitted by federal law; and
27 monitor compliance and ensure that all facilities are
28 operated in accordance with this division.

29 (b) The local, regional, and other state agencies shall
30 advise the commission as to any change in its standards,
31 ordinances, or laws which are pertinent and relevant to
32 the objective of carrying out the provisions of this
33 division.

34 25216.5. The commission shall do all of the following:

35 (a) Prescribe the form and content of applications for
36 facilities; conduct public hearings and take other actions
37 to secure adequate evaluation of applications; and
38 formally act to approve or disapprove applications,
39 including specifying conditions under which approval
40 and continuing operation of any facility shall be

1 permitted.

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

7 (c) Evaluate policies governing the establishment of
8 rates for electric power and other sources of energy as
9 related to energy conservation, environmental
10 protection, and other goals and policies established in this
11 division, and transmit recommendations for changes in
12 power-pricing policies and rate schedules to the
13 Governor, the Legislature, and to the Public Utilities
14 Commission.

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

19 25217. The commission shall do all of the following:

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

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

26 (c) Employ and prescribe the duties of other staff
27 members as necessary to carry out the provisions of this
28 division.

29 25218. In addition to other powers specified in this
30 division, the commission may do any of the following:

31 (a) Apply for and accept grants, contributions, and
32 appropriations.

33 (b) Contract for professional services if such work or
34 services cannot be satisfactorily performed by its
35 employees or by any other state agency.

36 (c) Be sued and sue to obtain any remedy to restrain
37 violations of this division.

38 (d) Request and utilize the advice and services of all
39 federal, state, local, and regional agencies.

40 (e) Adopt any rule or regulation, or take any action, it

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1 deems reasonable and necessary to carry out the
2 provisions of this division.

3 25218.5. The provisions specifying any power or duty
4 of the commission shall be liberally construed, in order to
5 carry out the objectives of this division.

6 25219. As to any matter involving the federal
7 government, its departments or agencies, which is within
8 the scope of the power and duties of the commission, the
9 commission may represent the interest of the state or any
10 county, city, state agency, or public district upon its
11 request, and to that end may correspond, confer, and
12 cooperate with the federal government, its departments
13 or agencies.

14 25220. The commission may participate as a party, to
15 the extent that it shall determine, in any proceeding
16 before any federal or state agency having authority
17 whatsoever to approve or disapprove any aspect of a
18 proposed facility, receive notice from any applicant of all
19 applications and pleadings filed subsequently by such
20 applicants in any of such proceedings, and, by its request,
21 receive copies of any of such subsequently filed
22 applications and pleadings that it shall deem necessary.

23 25221. Upon request of the commission, the Attorney
24 General shall represent the commission and the state in
25 litigation concerning affairs of the commission, unless
26 another state agency, represented by the Attorney
27 General, is a party to the action. In such case the counsel
28 of the commission shall represent the commission. The
29 provisions of Sections 11041, 11042, and 11043 of the
30 Government Code do not apply to the commission.

31 25222. In addition to other duties as may be
32 prescribed, the counsel shall insure that full and adequate
33 participation by all interested groups and the public at
34 large is secured in the planning and site certification
35 procedures provided in this division. The counsel shall
36 insure that timely and complete notice of commission
37 meetings and public hearings is disseminated to all
38 interested groups and to the public at large. The counsel
39 shall also advise such groups and the public as to effective
40 ways of participating in the commission's proceedings.

1 The counsel shall recommend to the commission
2 additional measures to assure open consideration and
3 public participation in energy planning and site
4 certification.

5 25223. The commission shall make available any
6 information filed or submitted pursuant to this division
7 under the provisions of the California Public Records Act,
8 Chapter 3.5 (commencing with Section 6250) of Division
9 7, Title 1 of the Government Code.

10 25224. The commission and other state agencies shall,
11 to the fullest extent possible, exchange records, reports,
12 material, and other information relating to energy
13 resources and conservation and power facilities siting, or
14 any areas of mutual concern, to the end that unnecessary
15 duplication of effort may be avoided.

16
17 CHAPTER 4. PLANNING AND FORECASTING

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19 25300. Beginning January 1, 1975, and every two years
20 thereafter, every electric utility in the state shall prepare
21 and transmit to the commission a report specifying 5-, 10-,
22 and 20-year forecasts or assessments of loads and
23 resources for its service area. The report shall set forth
24 the facilities which, as determined by the electric utility,
25 will be required to supply electric power during the
26 forecast or assessment periods. The report shall be in a
27 form specified by the commission and shall include all of
28 the following:

29 (a) A tabulation of estimated peak loads, resources,
30 and reserve margins for each year during the 5- and
31 10-year forecasted or assessed periods, and an estimation
32 of peak load, resources, and reserve margins for the last
33 year in the 20-year forecasted or assessed period.

34 (b) A list of existing electric generating plants in
35 service, with a description of planned and potential
36 generating capacity at existing sites.

37 (c) A list of facilities which will be needed to serve
38 additional electrical requirements identified in the
39 forecasts or assessments, the general location of such
40 facilities, and the anticipated types of fuel to be utilized

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1 in proposed facilities.

2 (d) A description of additional system capacity which
3 might be achieved through, among others,
4 improvements in (1) generating or transmission
5 efficiency, (2) importation of power, (3) interstate or
6 interregional pooling, and (4) other improvements in
7 efficiencies of operation.

8 (e) An estimation of the availability and cost of fuel
9 resources for the 5-, 10-, and 20-year forecast or
10 assessment periods with a statement by the electric utility
11 describing firm commitments for supplies of fuel
12 required during the forecast or assessment periods.

13 (f) An annual load duration curve and a forecast of
14 anticipated peak loads for each forecast or assessment
15 period for the residential, commercial, industrial, and
16 such other major demand sectors in the service area of
17 the electric utility as the commission shall determine.

18 (g) A description of population growth, urban
19 development, industrial expansion, and other growth
20 factors influencing increased demand for electric energy.

21 25301. The commission shall establish and the electric
22 utilities shall utilize, for purposes of the report, a common
23 methodology for preparing forecasts of future loads and
24 resources. After applying the commission's established
25 methodology to the mandatory elements of the report
26 specified in Section 25300, any electric utility may
27 transmit to the commission supplementary information
28 and forecasts based upon an alternative methodology. If
29 such alternate methodology is employed, the electric
30 utility shall fully describe the data and other components
31 of the methodology, and shall specify the reasons why the
32 approach is considered more accurate to that established
33 by the commission.

34 25302. Upon receipt of a report required under
35 Section 25300 from an electric utility, the commission
36 shall forward copies thereof to the Legislature, the Public
37 Utilities Commission, the Secretary of Resources Agency,
38 the Director of the Office of Planning and Research, and
39 other concerned state and federal agencies. The report
40 shall also be made available, at cost, to conservation

1 groups, business and professional organizations, and
 2 other interested groups and individuals. The commission
 3 shall also forward a copy of the report to each city and
 4 county within the service area covered by the report, and
 5 shall request that the city and county review and
 6 comment on the report in relation to estimates of
 7 population growth and economic development, patterns
 8 of land use and open space, and conservation and other
 9 appropriate elements of the adopted city or county
 10 general plan.

11 25303. Within three months after receipt of the report
 12 required under Section 25300, the commission shall hold
 13 public hearings of which at least one shall be in the City
 14 of Sacramento Any person may participate in any such
 15 hearings. The hearing shall be conducted to secure the
 16 views and comments of the public and of other state and
 17 federal agencies, city and county governments, and
 18 concerned private groups regarding the loads and
 19 resources forecasted by the utilities.

20 25304. The commission shall review and evaluate the
 21 electric utilities' forecasts of loads and resources in
 22 relation to the population growth estimates prepared by
 23 the Department of Finance, Population Research Unit,
 24 and in relation to statewide and regional land use,
 25 transportation, and economic development programs
 26 and forecasts. The commission shall also examine the
 27 implications of the forecast level of loads and resources
 28 on, among others, all of the following:

29 (a) Critical environmental and other resources of the
 30 state, including air and water quality, coastal, natural, and
 31 other unique sites, and fuel resources.

32 (b) Public health and safety.

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

35 (d) Other significant factors which relate to the
 36 provision of electrical energy in the amounts and in the
 37 manner proposed by the electric utilities.

38 The commission shall also consider alternative
 39 methods to those proposed by the electric utilities to
 40 meet forecasted electrical energy requirements.

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1 25305. Within six months after the hearings specified
2 in Section 25303, the commission shall prepare a
3 preliminary report, setting forth its findings and
4 conclusions regarding the accuracy and acceptability of
5 the electric utilities forecasts. The report shall be based
6 upon information and views presented at the public
7 hearings on the electric utilities' forecasts and the
8 commission's independent analysis and shall contain all of
9 the following:

10 (a) The commission's evaluation of the probable
11 service area and statewide, environmental, and economic
12 impact and the health and safety aspect of constructing
13 and operating the facilities proposed by the electric
14 utilities and a description of the measures considered
15 necessary by the commission to avoid or ameliorate any
16 adverse impacts.

17 (b) The proposed alternative methods for meeting the
18 electrical energy requirements identified by the electric
19 utilities.

20 (c) The anticipated 5- and 10-year level of demand for
21 energy to be utilized as a basis for certification of
22 facilities, and an anticipated 20-year level of demand for
23 energy to be utilized as a basis for energy conservation
24 policies and actions.

25 (d) Identification, on a statewide and basis, of
26 required electric facilities consistent with the
27 commission's anticipated level of demand.

28 (e) An analysis and evaluation of the means by which
29 the current annual rate of demand growth of electrical
30 energy may be reduced, together with an estimate of the
31 amount of such reduction to be obtained by each of the
32 means analyzed and evaluated, including a statement of
33 the impact of such reduction on the factors reviewed by
34 the commission set forth in Section 25304 and subdivision

35 (a) of this section.

36 25306. The commission shall distribute the report
37 required under Section 25305 to the same persons, and
38 under the same conditions, as prescribed in Section
39 25302.

40 25307. Within three months after distribution of the

1 commission's preliminary report pursuant to Section
2 25306, the commission shall hold public hearings of which
3 at least one shall in the City of Sacramento to obtain the
4 views and comments of the electric utilities,
5 governmental agencies, private groups, and the public on
6 the commission's proposals and recommendations.

7 25308. Within three months after completion of the
8 hearings specified in Section 25307, the commission shall
9 establish and include within the commission's biennial
10 report to the Governor and the Legislature, as specified
11 in Section 25309, all of the following:

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

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

- 27 (1) Demand-reducing policies.
- 28 (2) Conservation of energy fuels.
- 29 (3) Development of potential sources of energy.
- 30 (4) Other policies and actions designed to affect the
31 rate of growth in demand for electrical energy.

32 (c) A list, including maps, of existing electrical power
33 generating sites, indicating those where the commission
34 has determined that expansion is feasible within the
35 forthcoming 10-year period.

36 (d) A list, including maps, of additional electrical
37 generating sites, including the generating capacity of the
38 sites and the type of fuel and other general characteristics
39 of the facilities which, as determined by the commission,
40 will be required to meet the 10-year level of electrical

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1 energy demand established by the commission as
2 specified in subdivision (a) of this section.

3 25309. Beginning March 1, 1976, and every two years
4 thereafter, the commission shall transmit to the Governor
5 and the Legislature a comprehensive report designed to
6 identify emerging trends related to energy supply,
7 demand, and conservation and public health and safety
8 factors and to provide the basis for state policy and
9 actions in relation thereto, including, but not limited to,
10 approval of new sites for additional facilities. The report
11 shall include, but not be limited to, all of the following:

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

21 (b) Updating of the 5-, 10-, and 20-year levels of
22 statewide and service area demand for electrical energy
23 specified in subdivisions (a) and (b) of Section 25308. The
24 commission shall present supporting information to
25 explain upward or downward shifts from the previous
26 estimates.

27 (c) Updating of the list, including maps, specified in
28 subdivision (c) of Section 25308, of existing electrical
29 power generating sites where further expansion is
30 considered feasible.

31 (d) Updating of the list, including maps, specified in
32 subdivision (d) of Section 25308, of additional electrical
33 generating sites and the generating capacity required
34 within each service area of the state within the
35 forthcoming 10-year period.

36 (e) Relevant and applicable air and water quality
37 standards prescribed by any local, regional, state, or
38 federal agency, to be identified by the commission, in any
39 particular service area. Standards and guidelines related
40 to land use control and other forms of environmental

1 protection and public safety standards to be adopted by
2 the commission.

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

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

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

27 (i) The status of the commission's ongoing research
28 and development program directed to energy supply,
29 demand, and conservation and description of new
30 projects which have been proposed for funding as
31 specified in Chapter 7 (commencing with Section 25600)
32 of this division.

33 (j) Description of the commission's adopted plan for
34 emergency measures to be applied in the event of
35 impending serious shortage of electrical and other forms
36 of energy as provided in Chapter 8 (commencing with
37 Section 25700) of this division.

1 CHAPTER 5.

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1 CHAPTER 5. ENERGY RESOURCES CONSERVATION

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3 25400. The commission shall conduct an ongoing
4 assessment of the opportunities and constraints
5 presented by all forms of energy. The commission shall
6 encourage the balanced use of all sources of energy to
7 meet the state's needs and shall seek to avoid possible
8 undesirable consequences of reliance on a single source
9 of energy.

10 25401. The commission shall continuously carry out
11 studies, research projects, data collection, and other
12 activities required to assess the nature, extent, and
13 distribution of energy resources to meet the needs of the
14 state, including but not limited to fossil fuels and solar,
15 nuclear, and geothermal resources. It shall also carry out
16 studies, technology assessments, research projects, data
17 collection and other activities directed to reducing
18 wasteful, inefficient, unnecessary, or uneconomic uses of
19 electrical energy, including but not limited to, all of the
20 following:

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

28 The commission shall continually assess the potential of
29 commercially developable energy resources. The
30 commission shall be a central repository of data and
31 information on energy resources. The commission shall
32 survey pursuant to this section all forms of energy on
33 which to base its recommendations to the Governor and
34 Legislature for elimination of waste or increases in
35 efficiency for sources or uses of energy. The commission
36 shall transmit to the Governor and the Legislature, as
37 part of the biennial report specified in Section 25309,
38 recommendations for state policy and actions for the
39 orderly development of all potential sources of energy to
40 meet the state's needs, including, but not limited to, fossil

1 fuels and solar, nuclear, and geothermal resources, and to
2 reduce wasteful and inefficient uses of energy.

3 25402. Within one year after the effective date of this
4 division, the commission shall, after one or more public
5 hearings, by regulations, do all of the following, in order
6 to reduce the wasteful uneconomic, inefficient, or
7 unnecessary consumption of energy:

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

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

28 (c) Prescribe minimum level of operating efficiency
29 for all appliances whose use, as determined by the
30 commission, require a significant amount of electrical
31 energy on a statewide basis. Such minimum levels of
32 operating efficiency shall be based on attainable
33 efficiencies or improved feasible efficiencies which will
34 reduce the electrical energy consumption growth rate.
35 After six months following the date of the adoption of
36 such minimum levels of operating efficiency, no
37 appliance may be sold in the state which is not certified
38 by the manufacturer thereof to be in compliance with
39 such minimum level of operating efficiency. Such
40 minimum levels of efficiency shall not result in any added

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1 consumer costs which exceed the cost to the consumer of
2 electrical procurement required to operate the appliance
3 for the design life of such appliance.

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

11 25403. The commission shall submit to the Public
12 Utilities Commission and to any publicly owned electric
13 utility, recommendations designed to reduce wasteful,
14 unnecessary, or uneconomic energy consumption
15 through differential rate structures, cost-of-service
16 allocations, elimination as a business expense, of
17 advertising or promotional activities which encourage
18 the use of electrical power, peakload pricing, and other
19 pricing measures. The Public Utilities Commission or a
20 publicly owned electric utility shall review and consider
21 such recommendations and shall, within six months after
22 the date it receives them, implement such
23 recommendations. In the event the Public Utility
24 Commission or any publicly owned electric utility finds
25 that it is not feasible to implement such
26 recommendations, it shall report to the Governor, the
27 Legislature, and the commission setting forth the reasons
28 why it is not feasible to implement such
29 recommendations.

30 25404. The commission shall cooperate with the
31 Office of Planning and Research, the Resources Agency
32 and other interested parties in developing procedures to
33 ensure that mitigation measures to minimize wasteful,
34 inefficient, and unnecessary consumption of energy are
35 included in all environmental impact reports required on
36 local projects as specified in Section 21151.

CHAPTER 6. POWER FACILITY CERTIFICATION

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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 purposed 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

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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

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 25309.

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,

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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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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

1 energy.

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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.

10

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

13

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 (\$.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

36 **CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW**

37

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.~~

31 *SEC. 3. There are no state-mandated local costs in this*
32 *act that require reimbursement under Section 2164.3 of*
33 *the Revenue and Taxation Code.*