

AMENDED IN SENATE JANUARY 9, 1974
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
(Coauthor: Senator Alquist)

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 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:

- 1 SECTION 1. Section 21100 of the Public Resources
- 2 Code is amended to read:
- 3 21100. All state agencies, boards, and commissions
- 4 shall prepare, or cause to be prepared by contract, and
- 5 certify the completion of an environmental impact
- 6 report on any project they propose to carry out or
- 7 approve which may have a significant effect on the
- 8 environment. Such a report shall include a detailed
- 9 statement setting forth the following:
- 10 (a) The environmental impact of the proposed action.
- 11 (b) Any adverse environmental effects which cannot
- 12 be avoided if the proposal is implemented.
- 13 (c) Mitigation measures proposed to minimize the
- 14 impact including, but not limited to, measures to reduce
- 15 wasteful, inefficient, and unnecessary consumption of
- 16 energy.
- 17 (d) Alternatives to the proposed action.
- 18 (e) The relationship between local short-term uses of
- 19 man's environment and the maintenance and
- 20 enhancement of long-term productivity.

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1 (f) Any irreversible environmental changes which
2 would be involved in the proposed action should it be
3 implemented.

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

6 ~~SEC. 2. Division 15 (commencing with Section 25000)~~

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

9
10 *DIVISION 15. ENERGY CONSERVATION AND*
11 *DEVELOPMENT*

12
13 *CHAPTER 1. TITLE AND GENERAL PROVISIONS*

14
15 *25000. This division shall be known and may be cited*
16 *as the Warren-Alquist State Energy Resources*
17 *Conservation and Development Act.*

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

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

34 *25003. The Legislature further finds and declares that*
35 *in planning for future electrical generating and*
36 *transmitting facilities state, regional, and local plans for*
37 *land use, urban expansion, transportation systems,*
38 *environmental protection, and economic development*
39 *should be considered.*

40 *25004. The Legislature further finds and declares that*

1 there is a pressing need to accelerate research and
2 development into alternative sources of energy and into
3 improved technology of design and siting of power
4 facilities.

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

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

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

24
25 CHAPTER 2. DEFINITIONS

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

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

33 25102. "Application" means any request for
34 certification of any site and related facility filed in
35 accordance with the procedures established pursuant to
36 this division.

37 25103. "Coastal zone" means the "coastal zone" as
38 defined in Section 27100.

39 25104. "Commission" means the State Energy
40 Resources Conservation and Development Commission.

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1 25105. "Construction" means onsite work to install
2 permanent equipment or structure for any facility.

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

4 (a) The installation of environmental monitoring
5 equipment.

6 (b) A soil or geological investigation.

7 (c) A topographical survey.

8 (d) Any other study or investigation to determine the
9 environmental acceptability or feasibility of the use of the
10 site for any particular facility.

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

13 25106. "Counsel" means the legal counsel employed
14 by the commission pursuant to Section 25217.

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

24 25108. "Electric utility" means any person engaged
25 in, or authorized to engage in, generating, transmitting,
26 or distributing electric power by any facilities, including,
27 but not limited to, any such person who is subject to the
28 regulation of the Public Utilities Commission.

29 25109. "Energy" means work or heat that is, or may
30 be, produced from any fuel or source whatsoever.

31 25110. "Facility" means any electric transmission line
32 or thermal powerplant regulated according to the
33 provisions of this division.

34 25111. "Fund" means the State Energy Resources
35 Conservation and Development Fund.

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

40 25113. "Notice" means the notice of intent, as further

1 defined in Chapter 6 (commencing with Section 25500),
2 which shall state the intention of an applicant to file an
3 application for certification of any site and related
4 facility.

5 25114. "Interested party" means any person whom
6 the commission finds and acknowledges as having a real
7 and direct interest in any proceeding or action carried
8 on, under, or as a result of the operation of, this division.

9 25115. "Permit area" means the "permit area" as
10 defined in Section 27104.

11 25116. "Person" means any person, firm, association,
12 organization, partnership, business trust, corporation, or
13 company. "Person" also includes any city, county, public
14 district or agency, the state or any department or agency
15 thereof, and the United States to the extent authorized by
16 federal law.

17 25117. "Plan" means the Emergency Load
18 Curtailment and Energy Distribution Plan.

19 25118. "Service area" means any contiguous
20 geographic area serviced by the same electric utility.

21 25119. "Site" means any location on which a facility is
22 constructed or is proposed to be constructed.

23 25120. "Thermal powerplant" means any stationary
24 or floating electrical generating facility using any source
25 of thermal energy, with a generating capacity of 50
26 megawatts or more, and any facilities appurtenant
27 thereto.

28

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

31

32 25200. There is in the Resources Agency the State
33 Energy Resources Conservation and Development
34 Commission, consisting of five members appointed by
35 the Governor subject to Section 25204.

36 25201. One member of the commission shall be
37 qualified in the field of physical science with knowledge
38 of electrical power supply systems; one member shall be
39 an attorney and a member of the State Bar of California
40 who is qualified in the field of governmental or

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

7 25202. The Secretary of the Resources Agency and
8 the President of the Public Utilities Commission shall be
9 ex officio, nonvoting members of the commission, whose
10 presence shall not be counted for a quorum or for vote
11 requirements.

12 25203. Each member of the commission shall
13 represent the state at large and not any particular area
14 thereof, and shall serve on a full-time basis.

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

25 25205. (a) No person shall be a member of the
26 commission who, during the two years prior to
27 appointment on the commission, received any substantial
28 portion of his income directly or indirectly from any
29 electric utility, or who engages in sale or manufacture of
30 any major component of any facility. No member of the
31 commission shall be employed by any electric utility,
32 applicant, or, within two years after he ceases to be a
33 member of the commission, by any person who engages
34 in the sale or manufacture of any major component of any
35 facility.

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 any person
 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 this section shall not apply if the
 27 Attorney General finds that the interest of the member
 28 or employee of the commission is not so substantial as to
 29 be deemed likely to affect the integrity of the services
 30 which the state may expect from such member or
 31 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. Every two years the commission shall elect a*
 11 *chairman and vice chairman from among its members.*

12 *25213. The commission shall adopt rules and*
 13 *regulations, as necessary, to carry out the provisions of*
 14 *this division in conformity with the provisions of Chapter*
 15 *4.5 (commencing with Section 11371) of Part 1, Division*
 16 *3, Title 2 of the Government Code. The commission shall*
 17 *make available to any person upon request copies of*
 18 *proposed regulations, together with summaries of*
 19 *reasons supporting their adoption.*

20 *25214. The commission shall maintain its*
 21 *headquarters in the City of Sacramento and may establish*
 22 *branch offices in such parts of the state as the commission*
 23 *deems necessary. The commission shall hold meetings at*
 24 *such times and at such places as shall be determined by*
 25 *it. All meetings and hearings of the commission shall be*
 26 *open to the public, and opportunity to be heard with*
 27 *respect to the subject of the hearings shall be afforded to*
 28 *any person. Upon request, an interested party may be*
 29 *granted reasonable opportunity to examine any witness*
 30 *testifying at the hearing. The first meeting of the*
 31 *commission shall be held within 30 days after the*
 32 *confirmation of the last member of the commission*
 33 *pursuant to Section 25204. The Governor shall designate*
 34 *the time and place for the first meeting of the*
 35 *commission.*

36 *25215. Any member of the commission may be*
 37 *removed from office by the Legislature, by concurrent*
 38 *resolution adopted by a majority vote of all members*
 39 *elected to each house, for dereliction of duty or*
 40 *corruption or incompetency.*

1 *25216. In addition to the provisions of this*
 2 *division, the commission shall:*
 3 *(a) Undertake and carry out measures to reduce*
 4 *the consumption of energy and air pollution*
 5 *energy and air pollution environmental control*
 6 *environmental control measures, directly, or cause to be*
 7 *directly, or cause to be taken, any of the*
 8 *measures specified in Section 25400) of*
 9 *Section 25400) of the Government Code.*
 10 *Governor and the Legislature shall determine the*
 11 *conservation measures to be taken.*
 12 *of this division.*

13 *(b) Collect from utility companies and other*
 14 *forecasts of future energy requirements, including*
 15 *energy, including forecasts in relation to the*
 16 *forecasts in relation to the economic, and other*
 17 *economic, and other factors; and*
 18 *availability of fuel resources; and*
 19 *other factors; and*
 20 *area electrical energy requirements.*
 21 *planning the siting, siting, siting, siting,*
 22 *generating and re*
 23 *(c) Carry out, contract or other*
 24 *contract or other development in*
 25 *development in improvements in*
 26 *improvements in siting, fuel subst.*
 27 *siting, fuel subst. energy supply, c*
 28 *energy supply, c conservation wh*
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 30 *importance.*

31 *25216.3. (a) The commission shall*
 32 *local, regional, state, and federal*
 33 *environmental, and other*
 34 *designing, siting, siting, siting,*
 35 *adopt standards, c*
 36 *met in designing*
 37 *public health and*
 38 *than those adop*
 39 *agencies, or by an*
 40 *law; and monitor*

1 25216. In addition to other duties specified in this
2 division, the commission shall do all of the following:

3 (a) Undertake a continuing assessment of trends in
4 the consumption of electrical energy and other forms of
5 energy and analyze the social, economic, and
6 environmental consequences of these trends; carry out
7 directly, or cause to be carried out, energy conservation
8 measures specified in Chapter 5 (commencing with
9 Section 25400) of this division; and recommend to the
10 Governor and the Legislature new and expanded energy
11 conservation measures as required to meet the objectives
12 of this division.

13 (b) Collect from electric utilities and other sources
14 forecasts of future loads and resources for all sources of
15 energy, including electrical; independently analyze such
16 forecasts in relation to statewide estimates of population,
17 economic, and other growth factors and in terms of the
18 availability of fuel resources, costs to consumers, and
19 other factors; and formally specify statewide and service
20 area electrical energy demands to be utilized as a basis for
21 planning the siting and design of electric power
22 generating and related facilities.

23 (c) Carry out, or cause to be carried out, under
24 contract or other arrangements, research and
25 development into alternative sources of energy,
26 improvements in energy generation, transmission, and
27 siting, fuel substitution, and other topics related to
28 energy supply, demand, public safety, ecology, and
29 conservation which are of particular statewide
30 importance.

31 25216.3. (a) The commission shall compile relevant
32 local, regional, state, and federal land use, public safety,
33 environmental, and other standards to be met in
34 designing, siting, and operating facilities in the state;
35 adopt standards, except for air and water quality, to be
36 met in designing or operating facilities to safeguard
37 public health and safety, which may be more stringent
38 than those adopted by local, regional, or other state
39 agencies, or by any federal agency if permitted by federal
40 law; and monitor compliance and ensure that all facilities

1 are operated in accordance with this division.

2 (b) The local, regional, and other state agencies shall
3 advise the commission as to any change in its standards,
4 ordinances, or laws which are pertinent and relevant to
5 the objective of carrying out the provisions of this
6 division.

7 25216.5. The commission shall do all of the following:

8 (a) Prescribe the form and content of applications for
9 facilities; conduct public hearings and take other actions
10 to secure adequate evaluation of applications; and
11 formally act to approve or disapprove applications,
12 including specifying conditions under which approval
13 and continuing operation of any facility shall be
14 permitted.

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

20 (c) Evaluate policies governing the establishment of
21 rates for electric power and other sources of energy as
22 related to energy conservation, environmental
23 protection, and other goals and policies established in this
24 division, and transmit recommendations for changes in
25 power-pricing policies and rate schedules to the
26 Governor, the Legislature, to the Public Utilities
27 Commission, and to publicly owned electric utilities.

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

32 25217. The commission shall do all of the following:

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

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

39 (c) Employ and prescribe the duties of other staff
40 members as necessary to carry out the provisions of this

1 division.

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1 *division.*

2 *25218. In addition to other powers specified in this*
3 *division, the commission may do any of the following:*

4 *(a) Apply for and accept grants, contributions, and*
5 *appropriations.*

6 *(b) Contract for professional services if such work or*
7 *services cannot be satisfactorily performed, by its*
8 *employees or by any other state agency.*

9 *(c) Be sued and sue.*

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

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

15 *(f) Adopt rules and regulations, or take any action, it*
16 *deems reasonable and necessary to ensure the free and*
17 *open participation of any member of the staff in*
18 *proceedings before the commission.*

19 *25218.5. The provisions specifying any power or duty*
20 *of the commission shall be liberally construed, in order to*
21 *carry out the objectives of this division.*

22 *25219. As to any matter involving the federal*
23 *government, its departments or agencies, which is within*
24 *the scope of the power and duties of the commission, the*
25 *commission may represent the interest of the state or any*
26 *county, city, state agency, or public district upon its*
27 *request, and to that end may correspond, confer, and*
28 *cooperate with the federal government, its departments*
29 *or agencies.*

30 *25220. The commission may participate as a party, to*
31 *the extent that it shall determine, in any proceeding*
32 *before any federal or state agency having authority*
33 *whatsoever to approve or disapprove any aspect of a*
34 *proposed facility, receive notice from any applicant of all*
35 *applications and pleadings filed subsequently by such*
36 *applicants in any of such proceedings, and, by its request,*
37 *receive copies of any of such subsequently filed*
38 *applications and pleadings that it shall deem necessary.*

39 *25221. Upon request of the commission, the Attorney*
40 *General shall represent the commission and the state in*

1 litigation concerning affairs of the commission, unless the
 2 commission's interest and that of another state agency
 3 are, in the opinion of the counsel of the commission,
 4 potentially in conflict. In such case the counsel of the
 5 commission shall represent the commission. The
 6 provisions of Sections 11041, 11042, and 11043 of the
 7 Government Code do not apply to the commission.

8 25222. In addition to other duties as may be
 9 prescribed, the counsel shall insure that full and adequate
 10 participation by all interested groups and the public at
 11 large is secured in the planning, site and facility
 12 certification, energy conservation, and emergency
 13 allocation procedures provided in this division. The
 14 counsel shall insure that timely and complete notice of
 15 commission meetings and public hearings is disseminated
 16 to all interested groups and to the public at large. The
 17 counsel shall also advise such groups and the public as to
 18 effective ways of participating in the commission's
 19 proceedings. The counsel shall recommend to the
 20 commission additional measures to assure open
 21 consideration and public participation in energy
 22 planning, site and facility certification, energy
 23 conservation, and emergency allocation proceedings.

24 25223. The commission shall make available any
 25 information filed or submitted pursuant to this division
 26 under the provisions of the California Public Records Act,
 27 Chapter 3.5 (commencing with Section 6250) of Division
 28 7, Title 1 of the Government Code.

29 25224. The commission and other state agencies shall,
 30 to the fullest extent possible, exchange records, reports,
 31 material, and other information relating to energy
 32 resources and conservation and power facilities siting, or
 33 any areas of mutual concern, to the end that unnecessary
 34 duplication of effort may be avoided.

35
 36 CHAPTER 4. PLANNING AND FORECASTING
 37

38 25300. Every electric utility in the state shall prepare
 39 and transmit to the commission within one year after the
 40 effective date of this division, and every two years

1 thereafter, a report
 2 20-year forecasts of
 3 its service area. The
 4 report shall include
 5 forecasts of demand
 6 required to supply
 7 the demand during the
 8 assessment period
 9 specified by the commission
 10 following:

11 (a) A tabulation of
 12 and reserve margin
 13 10-year forecast of
 14 peak load, resource
 15 in the 20-year forecast

16 (b) A list of electric
 17 service, with a
 18 generating capacity

19 (c) A list of facilities
 20 additional electric
 21 forecasts or assessments
 22 facilities, and the
 23 in the proposed facilities

24 (d) A description of
 25 might be achieved
 26 improvements in
 27 efficiency, (2) in
 28 interregional power
 29 efficiencies of operation

30 (e) An estimate of
 31 resources for the
 32 assessment period
 33 describing firm
 34 required during the

35 (f) An annual
 36 anticipated peak
 37 period for the region
 38 such other major
 39 the electric utility

40 (g) A description of
 urban development
 growth factors in

1 thereafter, a report specifying, by year, 5-, 10-, and
2 20-year forecasts or assessments of loads and resources for
3 its service area. The report shall set forth the facilities
4 which, as determined by the electric utility, will be
5 required to supply electric power during the forecast or
6 assessment periods. The report shall be in a form
7 specified by the commission and shall include all of the
8 following:

9 (a) A tabulation of estimated peak loads, resources,
10 and reserve margins for each year during the 5- and
11 10-year forecast or assessment periods, and an estimate of
12 peak load, resources, and reserve margins for the last year
13 in the 20-year forecast or assessment period.

14 (b) A list of existing electric generating plants in
15 service, with a description of planned and potential
16 generating capacity at existing sites.

17 (c) A list of facilities which will be needed to serve
18 additional electrical requirements identified in the
19 forecasts or assessments, the general location of such
20 facilities, and the anticipated types of fuel to be utilized
21 in the proposed facilities.

22 (d) A description of additional system capacity which
23 might be achieved through, among other things,
24 improvements in (1) generating or transmission
25 efficiency, (2) importation of power, (3) interstate or
26 interregional pooling, and (4) other improvements in
27 efficiencies of operation.

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

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

38 (g) A description of projected population growth,
39 urban development, industrial expansion, and other
40 growth factors influencing increased demand for electric

1 energy and the bases for such projections.
 2 25301. The commission shall establish and every
 3 electric utility shall utilize, for purposes of the report, a
 4 common methodology for preparing forecasts of future
 5 loads and resources. After applying the commission's
 6 established methodology to the mandatory elements of
 7 the report specified in Section 25300, any electric utility
 8 may transmit to the commission supplementary
 9 information and forecasts based upon an alternative
 10 methodology. If such alternate methodology is employed,
 11 the electric utility shall fully describe the data and other
 12 components of the methodology, and shall specify the
 13 reasons why the approach is considered more accurate
 14 than that established by the commission.
 15 25302. Upon receipt of a report required under
 16 Section 25300 from an electric utility, the commission
 17 shall forward copies thereof to the Legislature, the Public
 18 Utilities Commission, the Secretary of the Resources
 19 Agency, the Director of the Office of Planning and
 20 Research, and other concerned state and federal
 21 agencies. The report shall also be made available, at cost,
 22 to any person upon request. The commission shall also
 23 forward copies of the report to each city and county
 24 within the service area covered by the report, and shall
 25 request that the city and county review and comment on
 26 the report in relation to estimates of population growth
 27 and economic development, patterns of land use and
 28 open space, and conservation and other appropriate
 29 elements of the adopted city or county general plan. A
 30 copy of the report shall be maintained on file for public
 31 inspection in each county.
 32 25303. For a period of four months after the receipt of
 33 the reports required under Section 25300 the commission
 34 shall receive the comments of any person on the reports.
 35 25304. The commission shall review and evaluate the
 36 electric utilities' forecasts of loads and resources in
 37 relation to the population growth estimates prepared by
 38 the Department of Finance, Population Research Unit,
 39 and in relation to statewide and regional land use,
 40 transportation, and economic development programs

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1 and forecasts. The commission shall also examine the
2 implications of the forecast level of loads and resources
3 on, among other things, all of the following:

4 (a) Critical environmental and other resources of the
5 state, including air and water quality, coastal, natural, and
6 other unique areas, and fuel resources.

7 (b) Public health and safety, general welfare, and the
8 state's economy.

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

11 (d) Other significant factors which relate to the
12 provision of electrical energy in the amounts and in the
13 manner proposed by the electric utilities.

14 The commission shall also consider alternative
15 methods to those proposed by the electric utilities to
16 meet forecasted electrical energy requirements.

17 25305. Within six months after receipt of the reports
18 specified in Section 25300, the commission shall prepare
19 and distribute a preliminary report, setting forth its
20 findings and conclusions regarding the accuracy and
21 acceptability of the electric utilities' forecasts. The report
22 shall be based upon information and views presented in
23 the comments received under Section 25303 and the
24 commission's independent analysis, and shall contain all
25 of the following:

26 (a) The commission's evaluation of the probable
27 service area and statewide, environmental, and economic
28 impact and the health and safety aspect of constructing
29 and operating the facilities proposed by the electric
30 utilities and a description of the measures considered
31 necessary by the commission to avoid or ameliorate any
32 adverse impacts.

33 (b) The proposed alternative methods for meeting the
34 electrical energy requirements identified by the electric
35 utilities.

36 (c) The anticipated 5- and 10-year level of demand for
37 energy to be utilized as a basis for certification of
38 facilities, and an anticipated 20-year level of demand for
39 energy to be utilized as a basis for energy conservation
40 policies and actions.

1 (d) Identification, on a statewide and service area
2 basis, of required electric facilities consistent with the
3 anticipated level of demand.

4 (e) An analysis and evaluation of the means by which
5 the projected annual rate of demand growth of electrical
6 energy may be reduced, together with an estimate of the
7 amount of such reduction to be obtained by each of the
8 means analyzed and evaluated, including a statement of
9 the impact of such reduction on the factors reviewed by
10 the commission set forth in Section 25304 and subdivision
11 (a) of this section.

12 25306. The commission shall distribute the report
13 required under Section 25305 to the same persons, and
14 under the same conditions, as prescribed in Section
15 25302.

16 25307. Within three months after distribution of the
17 commission's preliminary report pursuant to Section
18 25305, the commission shall hold public hearings of which
19 at least one shall be in the City of Sacramento to obtain
20 the views and comments of the electric utilities,
21 governmental agencies, private groups, and any other
22 person on the commission's proposals and
23 recommendations in the preliminary report.

24 25308. Within 12 months after receipt of the reports
25 required in Section 25300, the commission shall include
26 its final report on the accuracy and acceptability of the
27 electric utilities' forecasts and on the commission's
28 independent analyses and evaluations within the
29 commission's biennial report to the Governor and the
30 Legislature, as specified in Section 25309.

31 25309. Beginning on the second January 1st after the
32 effective date of this division, and every two years
33 thereafter, the commission shall transmit to the Governor
34 and the Legislature a comprehensive report designed to
35 identify emerging trends related to energy supply,
36 demand, and conservation and public health and safety
37 factors, to specify the level of statewide and service area
38 electrical energy demand for each year in the
39 forthcoming 5-, 10-, and 20-year period, and to provide
40 the basis for state policy and actions in relation thereto,

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1 *including, but not limited to, approval of new sites for*
2 *additional facilities. The report shall include, but not be*
3 *limited to, all of the following:*

4 (a) *An overview, looking 20 years ahead, of statewide*
5 *growth and development as they relate to future*
6 *requirements for energy, including patterns of urban*
7 *metropolitan expansion, statewide and service area*
8 *economic growth, shifts in transportation modes,*
9 *modifications in housing types and design, and other*
10 *trends and factors which, as determined by the*
11 *commission, will significantly affect state energy policy*
12 *and programs.*

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

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

28 (1) *Demand-reducing policies.*

29 (2) *Conservation of energy fuels.*

30 (3) *Development of potential sources of energy.*

31 (4) *Other policies and actions designed to affect the*
32 *rate of growth in demand for electrical energy.*

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

37 (e) *A list, including maps, of additional electrical*
38 *generating sites, including the generating capacity of the*
39 *sites and the type of fuel and other general characteristics*
40 *of the facilities which, as determined by the commission,*

1 will be required to meet the 10-year level of electrical
2 energy demand established by the commission as
3 specified in subdivision (b) of this section.

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

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

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

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

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

39 (k) Recommendations to the Governor and the
40 Legislature for administrative and legislative actions

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5 CHAPTER

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1 based on the results of commission studies and
2 evaluations as specified in this section and in Chapter 5
3 (commencing with Section 25400).

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, technical assessments, research projects, data
21 collection and other activities directed to reducing
22 wasteful, inefficient, unnecessary, or uneconomic uses of
23 energy, including, but not limited to, all of the following:

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

31 The commission shall continually assess the potential of
32 commercially developable energy resources.

33 The commission shall survey pursuant to this section all
34 forms of energy on which to base its recommendations to
35 the Governor and Legislature for elimination of waste or
36 increases in efficiency for sources or uses of energy. The
37 commission shall transmit to the Governor and the
38 Legislature, as part of the biennial report specified in
39 Section 25309, recommendations for state policy and
40 actions for the orderly development of all potential

1 sources of energy to meet the state's needs, including, but
2 not limited to, fossil fuels and solar, nuclear, and
3 geothermal resources, and to reduce wasteful and
4 inefficient uses of energy.

5 25402. Within 18 months after the effective date of
6 this division, the commission shall, after one or more
7 public hearings, by regulation, do all of the following, in
8 order to reduce the wasteful, uneconomic, inefficient, or
9 unnecessary consumption of energy:

10 (a) Prescribe lighting, insulation, climate control
11 systems, and other building design and construction
12 standards which increase the efficient use of energy. 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 conserving requirements
16 amortized over the designed life of the building. In
17 prescribing standards for insulation, the commission shall
18 take into consideration the standards developed pursuant
19 to Chapter 11 (commencing with Section 19870) of Part
20 3, Division 13 of the Health and Safety Code. No city or
21 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 and will
28 provide adequate safeguards for public health, safety, and
29 welfare. No city or county shall approve any permit for
30 any building unless the design of such building meets the
31 energy allotment prescribed by the commission pursuant
32 to this section.

33 (c) Prescribe standards for minimum level of
34 operating efficiency, based on a reasonable use pattern,
35 for all appliances whose use, as determined by the
36 commission, requires a significant amount of energy on a
37 statewide basis. Such minimum levels of operating
38 efficiency shall be based on attainable efficiencies or
39 feasible improved efficiencies which will reduce the
40 electrical energy consumption growth rate. One year

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1 *after the date of the adoption of such standards, no new*
2 *appliance may be purchased in the state which is not*
3 *certified by the manufacturer thereof to be in*
4 *compliance with such standards. Such standards shall be*
5 *drawn so that they do not result in any added total costs*
6 *to the consumer over the designed life of the appliances*
7 *concerned.*

8 *(d) Prescribe minimum standards of efficiency for*
9 *operation of any new facility at a particular site which are*
10 *technically and economically feasible. Except as*
11 *provided in Section 25525, no site and related facility shall*
12 *be certified pursuant to Chapter 6 (commencing with*
13 *Section 25500) of this division if the standards established*
14 *by the 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 *resulting from practices including, but not limited to,*
20 *differential rate structures, cost-of-service allocations, the*
21 *disallowance of a business expense of advertising or*
22 *promotional activities which encourage the use of*
23 *electrical power, peakload pricing, and other pricing*
24 *measures. The Public Utilities Commission or publicly*
25 *owned electric utility shall review and consider such*
26 *recommendations and shall, within six months after the*
27 *date it receives them, as prescribed by this section,*
28 *implement such recommendations, unless the Public*
29 *Utilities Commission or any publicly owned electric*
30 *utility finds that it is not feasible or not in the public*
31 *interest to implement such recommendations. If the*
32 *Public Utilities Commission or a publicly owned electric*
33 *utility makes such a finding, it shall report to the*
34 *Governor, the Legislature, and the commission setting*
35 *forth the reasons why it is not feasible or not in the public*
36 *interest to implement such recommendations.*

37 *25404. The commission shall cooperate with the*
38 *Office of Planning and Research, the Resources Agency*
39 *and other interested parties in developing procedures to*
40 *ensure that mitigation measures to minimize wasteful,*

1 inefficient, and unnecessary consumption of energy are
 2 included in all environmental impact reports required on
 3 local projects as specified in Section 21151.

4
 5 **CHAPTER 6. POWER FACILITY AND SITE**
 6 **CERTIFICATION**

7
 8 **25500.** In accordance with the provisions of this
 9 division, the commission shall have the exclusive power
 10 to certify all sites and related facilities in the state, except
 11 for any site and related facility proposed to be located in
 12 the permit area, whether a new site and related facility
 13 or a change or addition to an existing facility. The
 14 issuance of a certificate by the commission shall be in lieu
 15 of any permit, certificate, or similar document required
 16 by any state, local or regional agency, or federal agency
 17 to the extent permitted by federal law, for such use of the
 18 site and related facilities, and shall supersede any
 19 applicable statute, ordinance, or regulation of any state,
 20 local, or regional agency, or federal agency to the extent
 21 permitted by federal law.

22 After the effective date of this division, no construction
 23 of any facility or modification of any existing facility shall
 24 be commenced without first obtaining certification for
 25 any such site and related facility by the commission, as
 26 prescribed in this division.

27 **25501.** The provisions of this division do not apply to
 28 any site and related facility: (a) for which the Public
 29 Utilities Commission has issued a certificate of public
 30 convenience and necessity before the effective date of
 31 this division, provided that such facility shall not provide
 32 capacity on its planned operating date exceeding the
 33 estimated number of megawatts of needed capacity for
 34 the year of that planned operating date as stated in the
 35 reports required under Section 2 of General Order 131 of
 36 the Public Utilities Commission as of March 31, 1973; or,
 37 (b) for which an application for a certificate of public
 38 convenience and necessity is on file with the Public
 39 Utilities Commission by the effective date of this division
 40 and for which construction is planned to commence and

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9 **25501.3.** The p
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22 **25501.5.** In th
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 27 (a) On the c
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 29 hearing record.

30 (b) The com
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39 **25502.** Each
 40 powerplant or

1 shall have commenced within three years from the
2 effective date of this division, provided that such planned
3 construction shall not create capacity on its planned
4 operating date exceeding the estimated number of
5 megawatts of needed capacity for the year of that
6 planned operating date as stated in the reports required
7 under Section 2 of General Order 131 of the Public
8 Utilities Commission as of March 31, 1973.

9 25501.3. The provisions of this division shall not apply
10 to any site and related facility for which a certificate of
11 public convenience and necessity from the Public
12 Utilities Commission is not required and for which
13 construction is planned to commence and shall have
14 commenced within three years from the effective date of
15 this division provided that such planned construction
16 shall not create capacity on its planned operating date
17 exceeding the estimated number of megawatts of needed
18 capacity for the year of that planned operating date as
19 stated in the reports required under Section 2 of General
20 Order 131 of the Public Utilities Commission as of March
21 31, 1973.

22 25501.5. In the case of any site and related facility or
23 facilities not covered by the provisions of this division and
24 for which a certificate of public convenience and
25 necessity has not been issued by the Public Utilities
26 Commission, the following shall apply:

27 (a) On the completion of the hearing, the Public
28 Utilities Commission shall supply the commission with its
29 hearing record.

30 (b) The commission shall review the information
31 supplied by the Public Utilities Commission and shall,
32 within 90 days after it receives such information, advise
33 the Public Utilities Commission and the applicant of the
34 recommendation of the commission that the certificate of
35 public convenience and necessity be denied, approved,
36 or approved subject to specified conditions. There shall
37 be a rebuttable presumption in favor of the commission's
38 recommendation.

39 25502. Each person proposing to construct a thermal
40 powerplant or electric transmission line on a site shall

1 submit to the commission notice of intention to file an
 2 application for the certification of such site and related
 3 facility or facilities. The notice shall be an attempt
 4 primarily to determine the suitability of the proposed
 5 sites to accommodate the facilities and to determine the
 6 general conformity of the proposed sites and related
 7 facilities with standards of the commission and forecasts
 8 adopted pursuant to Sections 25216.3 and 25309. The
 9 notice shall be in the form prescribed by the commission
 10 and shall be supported by such information as the
 11 commission may require.

12 25503. Each notice of intention to file an application
 13 shall contain at least three alternative sites and related
 14 facilities, at least one of which shall not be located in
 15 whole or in part in the coastal zone. In addition, the
 16 alternative sites and related electrical facilities may be
 17 proposed from an inventory of sites which have
 18 previously been approved by the commission in a notice
 19 of intent or may be proposed from sites previously
 20 examined. If modification of an existing facility is
 21 proposed, the commission may require that alternative
 22 methods of providing the additional service or making
 23 the proposed modification be specified in the notice.

24 25504. The notice of intention shall include a
 25 statement by the applicant describing the location of the
 26 proposed sites by section or sections, range and township,
 27 and county; a summary of the proposed design criteria of
 28 the facilities; the type or types of fuels to be used; the
 29 methods of construction and operation; the proposed
 30 location of facilities and structures on each site; a
 31 preliminary statement of the relative economic,
 32 technological, and environmental advantages and
 33 disadvantages of the alternative site and related facility
 34 proposals; a statement of need for the facility and
 35 information showing the compatibility of the proposals
 36 with the most recent biennial report issued pursuant to
 37 Section 25309; and any other information that an electric
 38 utility deems desirable to submit to the commission.

39 25505. Upon receipt of a notice, the commission shall
 40 cause a summary of the notice to be published in a

1 newspaper of general circulation in the county in which
 2 the sites and related facilities are located, and in a
 3 designated newspaper of general circulation in the county
 4 commission shall also cause a copy of the notice to be
 5 federal, state, or local interest in the matter.
 6 interest in matter.
 7 any of the alternative sites and related facilities shall
 8 be transmitted to the commission for its review.
 9 25506. The commission shall cause a copy of the notice to be
 10 local, regional, or national interest in the matter.
 11 comments and recommendations on the notice, and local
 12 operation, and local interest in the matter.
 13 notice, in relation to the proposed facilities, and
 14 and safety, and other matters.
 15 expertise.

16 25507. If any alternative site and related facility
 17 proposed in the notice is located in the coastal zone
 18 or in part, within the coastal zone, the applicant shall
 19 transmit a copy of the notice to the Commission on
 20 Zone Conservation and Planning for its review and
 21 request that the Commission on Zone Conservation and
 22 Commission on Zone Conservation and Planning
 23 and related facilities, and the acceptability of the
 24 the acceptability of the proposed facilities, and the
 25 to completion of the proposed facilities, and the
 26 Section 25510.

27 25508. The commission shall cause a copy of the notice to be
 28 render advice to the applicant, and the Commission on
 29 Conservation and Planning shall cause a copy of the notice to be
 30 coastal zone conservation and planning applications for a
 31 applications for a site in the coastal zone, in which
 32 be located, in which the facilities are located, in which
 33 requested by the applicant, and the Commission on
 34 Commission on Zone Conservation and Planning or
 35 commission, and the Commission on Zone Conservation and
 36 California Coastal Commission shall cause a copy of the notice to be
 37 regional coastal zone conservation and planning applications for a
 38 participate in public hearings on the notice, and the
 39 application for a site in the coastal zone, in which
 40 connection with the proposed facilities, and the

1 newspaper of general circulation in each county in which
2 the sites and related facilities, or any part thereof,
3 designated in the notice are proposed to be located. The
4 commission shall also transmit a copy of the notice to each
5 federal, state, regional, and local agency having an
6 interest in matters pertinent to the proposed facilities at
7 any of the alternative sites. A copy of the notice shall also
8 be transmitted to the Attorney General.

9 25506. The commission shall request the appropriate
10 local, regional, state, and federal agencies to make
11 comments and recommendations regarding the design,
12 operation, and location of the facilities designated in the
13 notice, in relation to environmental quality, public health
14 and safety, and other factors on which they may have
15 expertise.

16 25507. If any alternative site and related facility
17 proposed in the notice is proposed to be located, in whole
18 or in part, within the coastal zone, the commission shall
19 transmit a copy of the notice to the California Coastal
20 Zone Conservation Commission. The commission shall
21 request that the California Coastal Zone Conservation
22 Commission complete an analysis of any coastal zone site
23 and related facility and forward preliminary findings of
24 the acceptability of any such site and related facility prior
25 to completion of the preliminary report required by
26 Section 25510.

27 25508. The commission shall cooperate with, and
28 render advice to, the California Coastal Zone
29 Conservation Commission and any appropriate regional
30 coastal zone conservation commission in studying
31 applications for any site and related facility proposed to
32 be located, in whole or in part, within the permit area, if
33 requested by the California Coastal Zone Conservation
34 Commission or a regional coastal zone conservation
35 commission, and may invite the members of the
36 California Coastal Zone Conservation Commission and
37 regional coastal zone conservation commissions to
38 participate in public hearings on the notice and on the
39 application for site and related facility certification, in
40 connection with matters of mutual concern, as interested

1 parties in such proceedings.

2 25509. The commission shall conduct a public
3 informational hearing or hearings in the county of the
4 proposed sites and related facilities no earlier than 60 nor
5 later than 90 days from receipt of a notice of intention to
6 file an application. The place of such public informational
7 hearing or hearings shall be as close as practicable to the
8 proposed sites. Any person may participate to the extent
9 deemed reasonable and relevant by the presiding
10 member of the commission, in any such hearing. Such
11 hearings on the original three sites and related facilities
12 shall be concluded within 90 days of their
13 commencement. Such hearings shall be conducted in
14 order to accomplish all of the following purposes:

15 (a) To set forth the electrical demand basis for the
16 proposed site and related facility.

17 (b) To provide knowledge and understanding of
18 proposed facilities and sites.

19 (c) To obtain the views and comments of the public
20 and concerned governmental agencies on the
21 environmental, public health and safety, economic,
22 social, and land use impacts of the facility at the proposed
23 sites.

24 (d) To solicit information regarding reasonable
25 alternative sources of the power capacity to be provided
26 by alternative sites and related facilities, or combinations
27 thereof, which will better carry out the policies and
28 objectives of this division.

29 25510. Within 90 days after the conclusion of such
30 hearing or hearings, the commission shall prepare and
31 make public a preliminary report on the notice of
32 intention to file an application. Such report shall contain
33 the comments and recommendations of local authorities
34 as to the construction of any thermal powerplant or
35 electric transmission line on a particular site. The
36 commission may include within the preliminary report
37 any other alternatives proposed by the commission or
38 presented to the commission at a public hearing prior to
39 preparation of the preliminary report. The preliminary
40 report shall be published and made available to the

1 public and to int
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3 25511. The
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1 public and to interested local, regional, state, and federal
2 agencies.

3 25511. The commission shall review the factors
4 related to safety and reliability of the facilities at each of
5 the alternative sites designated in the notice. In addition
6 to other information requested of the applicant, the
7 commission shall, in determining a more appropriate site
8 and related facility alternative, require detailed
9 information on proposed emergency systems and safety
10 precautions, plans for transport, handling and storage of
11 wastes and fuels, proposed methods to prevent illegal
12 diversion of nuclear fuels, special design features to
13 account for seismic and other potential hazards, proposed
14 methods to control density of population in areas
15 surrounding nuclear powerplants, and such other
16 information as the commission may determine to be
17 relevant to the reliability and safety of the facility at the
18 proposed sites. The commission shall analyze the
19 information provided by the applicant, supplementing it,
20 where necessary, by onsite investigations and other
21 studies. The commission shall determine the adequacy of
22 measures proposed by the applicant to protect public
23 health and safety, and shall include its findings in the
24 preliminary report required by Section 25510.

25 25512. The preliminary report shall be based upon
26 testimony presented during any hearing on the notice,
27 the comments transmitted by local, regional, state, and
28 federal agencies and the public to the commission, and
29 the independent studies conducted by the commission's
30 staff. The preliminary report shall include findings and
31 conclusions, within the limitation of the information
32 required in Sections 25502, 25503, 25504, and 25511, with
33 respect to all of the following:

34 (a) The degree to which each alternative site and
35 related facility proposal designated in the notice or
36 presented at a hearing and considered by the commission
37 is in conformity with both of the following:

38 (1) The forecast of state and regional electric power
39 demands adopted pursuant to Section 25309.

40 (2) Applicable local, regional, state, and federal

1 standards, ordinances, and laws.

2 (b) The relative merit of each alternative site and
3 related facility proposal designated in the notice or
4 presented at a public hearing and considered by the
5 commission.

6 (c) The safety and reliability of the facility at each of
7 the sites designated in the notice as determined by the
8 commission pursuant to Section 25511.

9 25513. Within 30 days of the publication of the
10 preliminary report, a copy of the report will be
11 distributed to any person requesting the report prior to
12 distribution. Any such person may respond in writing to
13 the preliminary report. Such response shall be submitted
14 to the commission no later than 60 days after distribution
15 of the report.

16 25514. No later than 120 days after distribution of the
17 preliminary report, a final report shall be prepared and
18 distributed. The final report shall include, but not be
19 limited to, all of the following:

20 (a) The findings and conclusions of the commission
21 regarding the conformity of alternative sites and related
22 facilities designated in the notice or presented at the
23 informational hearing or hearings and reviewed by the
24 commission with both of the following:

25 (1) The 10-year forecast of statewide and service area
26 electric power demands adopted pursuant to subdivision
27 (b) of Section 25309.

28 (2) Findings that the notice is or is not in compliance
29 with the provisions of any state law or local or regional
30 ordinance or regulation, including any long-range land
31 use plans or guidelines adopted by the state or by any
32 local or regional planning agency, which would be
33 applicable but for the exclusive authority of the
34 commission to certify sites and related facilities; and with
35 standards adopted by the commission pursuant to Section
36 25216.3 and subdivision (d) of Section 25402.

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

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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 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 25515. No later than 30 days after the final report is
16 distributed, a hearing or hearings on the final report shall
17 be commenced. Such hearings shall be concluded within
18 30 days of their commencement.

19 25516. The approval of the notice by the commission
20 shall be based upon findings pursuant to Section 25514.
21 The commission's decision shall be issued within 60 days
22 after the conclusion of the hearings on the final report.
23 The notice shall not be approved unless the commission
24 finds at least two alternative site proposals considered in
25 the commission's final report as acceptable. If the
26 commission does not find at least two sites acceptable,
27 additional sites may be proposed by the applicant which
28 shall be considered in the same manner as those proposed
29 in the original notice. If the commission finds that a good
30 faith effort has been made by the electric utility to find
31 an acceptable alternative site and that there is only one
32 feasible site, the commission may approve the notice
33 based on the one site.

34 25517. After the effective date of this division, no
35 construction of any thermal powerplant or electric
36 transmission line shall be commenced by any electric
37 utility without first obtaining certification as prescribed
38 in this division. Any onsite improvements not qualifying
39 as construction may be required to be restored as
40 determined by the commission as necessary to protect

1 the environment, if certification is denied.

2 25518. Except as provided in subdivision (b) of
3 Section 25501, the Public Utilities Commission shall issue
4 no certificate of public convenience and necessity for a
5 site or related electrical facilities unless the utility has
6 obtained a certificate from the commission.

7 25518.5. Nothing in this division shall preclude the
8 concurrent initiation of an application for a certificate of
9 public convenience and necessity from the Public
10 Utilities Commission subject to the condition specified in
11 Section 25518.

12 25519. (a) Each person proposing to construct any
13 thermal powerplant or electric transmission line shall file
14 with the commission an application for certification of
15 any site. Such application shall be in a form prescribed by
16 the commission and shall be filed with the commission no
17 later than 18 months before any construction is to
18 commence. Such application shall be for a site which has
19 received a favorable recommendation from the
20 commission pursuant to Section 25516. Any person
21 proposing to construct a thermal powerplant or
22 transmission line excluded from the provisions of this
23 division may waive such exclusion by filing an application
24 with the commission.

25 (b) The commission, upon its own motion or in
26 response to the request of any party, may require the
27 applicant to submit any information, document, or data,
28 in addition to the attachments required by subdivision
29 (i), which it determines is reasonably necessary to make
30 any decision on the application.

31 (c) Upon receipt of the application, the commission
32 shall undertake studies and investigations necessary to
33 comply with the environmental impact reporting
34 procedures established pursuant to Section 21100. For
35 purposes of preparation and approval of the
36 environmental impact report on a proposed site and
37 related facility, the commission shall be the lead agency
38 as provided in Section 21165, except as to any site and
39 related facility proposed to be located within the permit
40 area. Except as otherwise provided in Division 13

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1 (commencing with Section 21000), the environmental
2 impact report shall be completed within one year after
3 receipt of the application.

4 (d) If the site and related facility specified in the
5 application is proposed to be located in the coastal zone,
6 the commission shall transmit a copy of the application to
7 the California Coastal Zone Conservation Commission
8 for its review and comments.

9 (e) Upon receipt of an application, the commission
10 shall forward the application to local governmental
11 agencies having land use and related jurisdiction in the
12 area of the proposed site and related facility. Such local
13 agencies shall review the application and submit
14 comments on, among other things, the design of facility,
15 architectural and aesthetic features of the facility, access
16 to highways, landscaping and grading, public use of lands
17 in the area of the facility, and other appropriate aspects
18 of the design, construction, or operation of the proposed
19 site and related facility.

20 (f) Upon receipt of an application, the commission
21 shall cause a summary of the application to be published
22 in a newspaper of general circulation in the county in
23 which the site and related facilities, or any part thereof,
24 designated in the application, is proposed to be located.
25 The commission shall transmit a copy of the application
26 to each federal and state agency having jurisdiction or
27 special interest in matters pertinent to the proposed site
28 and related facilities, and to the Attorney General.

29 (g) Each application shall be accompanied by proof of
30 service of a copy of such application on the Attorney
31 General of the State of California. The commission
32 counsel shall require that adequate notice is given to the
33 public and that the procedures specified by this division
34 are complied with.

35 (h) The commission shall transmit a copy of the
36 application to any governmental agency not specifically
37 mentioned in this act, but which it finds has any
38 information or interest in the proposed site and related
39 facilities, and shall invite the comments and
40 recommendations of each such agency. The commission

1 shall request any relevant laws, ordinances, or regulations
 2 which any such agency has promulgated or administered.

3 (i) An application for certification of any site and
 4 related facilities shall contain a listing of every federal
 5 agency from which any approval or authorization
 6 concerning the proposed site is required, specifying the
 7 approvals or authorizations obtained at the time of the
 8 application and the schedule for obtaining any approvals
 9 or authorizations pending.

10 25520. The application shall contain the following and
 11 such other information as the commission by regulation
 12 may require:

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

15 (b) Safety and reliability information, including, in
 16 addition to documentation previously provided pursuant
 17 to Section 25511, planned provisions for emergency
 18 operations and shutdowns.

19 (c) Available site information, including maps and
 20 descriptions of present and proposed development and,
 21 as appropriate, geological, aesthetic, ecological, seismic,
 22 water supply, population and load center data, and
 23 justification for the particular site proposed.

24 (d) Such other information relating to the design,
 25 operation, and siting of the facility as the commission may
 26 specify.

27 (e) A statement of need providing information
 28 showing compatibility of the proposed facility with the
 29 most recent biennial report issued by the commission
 30 pursuant to Section 25309.

31 (f) A description of the facility, the cost of the facility,
 32 the fuel to be used, the source of fuel, fuel cost, plant
 33 service life and capacity factor, and generating cost per
 34 kilowatt hour.

35 (g) A description of the transmission lines including
 36 estimated cost of the proposed transmission line for each
 37 alternative site; a map in suitable scale of the proposed
 38 routing showing details of the rights-of-way in the vicinity
 39 of settled areas, parks, recreational areas, and scenic
 40 areas, and existing transmission lines within one mile of

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1 *the proposed route; and justification for the route and a*
2 *preliminary description of the effect of the proposed*
3 *transmission line on the environment, ecology, and*
4 *scenic, historic and recreational values.*

5 *25521. No earlier than 90 nor later than 240 days after*
6 *the date of the filing of an application, the council shall*
7 *commence a public hearing or hearings thereon in*
8 *Sacramento, San Francisco, Los Angeles, or San Diego,*
9 *whichever city is nearest the proposed site. Additionally,*
10 *the commission may hold a hearing or hearings in the*
11 *county in which the proposed site and related facilities*
12 *are to be located.*

13 *25522. Within 18 months of the filing of an application*
14 *for certification or at such later time as is mutually agreed*
15 *by the commission and the applicant, the commission*
16 *shall issue a written decision as to such application.*

17 *25523. The commission shall prepare a written*
18 *decision after a public hearing or hearings on an*
19 *application, which shall include all of the following:*

20 *(a) Specific provisions relating to the manner in which*
21 *the proposed facility is to be designed, sited, and*
22 *operated in order to protect environmental quality and*
23 *assure public health and safety.*

24 *(b) Findings regarding the conformity of the*
25 *proposed site and related facilities with standards*
26 *adopted by the commission pursuant to Section 25216.3*
27 *and subdivision (d) of Section 25402, with public safety*
28 *standards and the applicable air and water quality*
29 *standards, and with other relevant local, regional, state,*
30 *and federal standards, ordinances, or laws. If the*
31 *commission finds that there is noncompliance with any*
32 *state, local, or regional ordinance or regulation in the*
33 *application, it shall consult and meet with the local or*
34 *regional governmental agency concerned to attempt to*
35 *correct or eliminate the noncompliance. If the*
36 *noncompliance cannot be corrected or eliminated, the*
37 *commission shall inform the state, local, or regional*
38 *governmental agency if it makes the findings required by*
39 *Section 25525.*

40 *(c) If the commission denies approval of the*

1 application, the decision shall contain provision for
2 restoring the site as necessary to protect the
3 environment.

4 (d) Findings regarding the conformity of the
5 proposed facility with the 10-year forecast of statewide
6 and service area electric power demands adopted
7 pursuant to subdivision (b) of Section 25309.

8 25524. The commission shall not certify any facility
9 contained in the application, unless its findings with
10 respect to subdivision (d) of Section 25523 are in the
11 affirmative.

12 25525. The commission shall not certify any facility
13 contained in the application when it finds that the facility
14 does not conform with the findings of subdivision (b) of
15 Section 25523, unless the commission determines that
16 such facility is required for public convenience and
17 necessity and that there are not more prudent and
18 feasible means of achieving such public convenience and
19 necessity. In no event shall the commission make any
20 finding in conflict with applicable federal law or
21 regulation. The basis for such findings shall be reduced to
22 writing and submitted as part of the record pursuant to
23 Section 25523.

24 25526. The commission shall not certify any facility
25 contained in the application which is proposed to be
26 located, in whole or in part, within the permit area unless
27 the certificate is conditioned upon obtaining a permit
28 from the California Coastal Zone Conservation
29 Commission. Approval of a permit by any regional coastal
30 zone conservation commission, or the California Coastal
31 Zone Conservation Commission on appeal, shall not
32 effect the authority of the commission to deny
33 certification for any facility contained in the application,
34 as provided in this division.

35 25527. The following areas of the State of California
36 shall be excluded from consideration whenever a site is
37 considered for a thermal powerplant:

38 (a) State, regional, county and city parks; wilderness,
39 scenic or natural reserves; areas for wildlife protection,
40 recreation, historic preservation; or natural preservation

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1 areas in existence on the effective date of this division.

2 (b) Wildlife reserves and estuaries in an essentially
3 natural and undeveloped state.

4 In considering applications for certification, the
5 commission shall give the greatest consideration to the
6 need for protecting areas of critical environmental
7 concern, including, but not limited to, unique and
8 irreplaceable scientific, scenic, and educational wildlife
9 habitats; unique, historical, archaeological, and cultural
10 sites; lands of hazardous concern; and areas under
11 consideration by the state or the United States for
12 wilderness, or wildlife and game reserves.

13 25528. The commission shall require, as a condition of
14 certification of any facility contained in the application,
15 that the applicant acquire development rights of
16 privately owned lands in the area of the proposed facility
17 which, as the commission determines, are necessary to
18 control future population growth and land use in the
19 interests of public health and safety.

20 25529. When a facility is proposed to be located in the
21 coastal zone or any other area with recreational, scenic,
22 or historic value, the commission shall require, as a
23 condition of certification of any facility contained in the
24 application, that an area be established for public use, as
25 determined by the commission. Lands within such area
26 shall be acquired and maintained by the applicant and
27 shall be available for public access and use, subject to
28 restrictions required for security and public safety. The
29 applicant may dedicate such public use zone to any local
30 agency agreeing to operate and maintain it for the
31 benefit of the public. If no local agency agrees to operate
32 and maintain the public use zone for the benefit of the
33 public, the applicant may dedicate such zone to the state.
34 The commission shall also require that any facility to be
35 located along the coast or shoreline of any major body of
36 water be set back from the shoreline to permit reasonable
37 public use and to protect scenic and aesthetic values.

38 25530. The commission may order a reconsideration
39 of all or part of a decision or order on its own motion or
40 on petition of any party.

1 Any such petition shall be filed within 30 days after
 2 adoption by the commission of a decision or order. The
 3 commission may not order a reconsideration on its own
 4 motion more than 30 days after it has adopted a decision
 5 or order. The commission shall order or deny
 6 reconsideration on a petition therefor within 30 days after
 7 filing the petition.

8 A decision or order may be reconsidered by the
 9 commission on the basis of all pertinent portions of the
 10 record together with such argument as the commission
 11 may permit, or the commission may hold a further
 12 hearing, after notice to all interested persons. A decision
 13 or order of the commission on reconsideration shall have
 14 the same force and effect as an original order or decision.

15 25531. The decisions of the commission on any notice
 16 or application of any electric utility for certification of a
 17 site and related facility shall be subject to judicial review
 18 in the same manner as the decisions of the Public Utilities
 19 Commission on the application for a Certificate of Public
 20 Convenience and Necessity for the same site.

21 Subject to the right of judicial review of decisions of the
 22 commission, no court in this state shall have jurisdiction
 23 to hear or determine any case or controversy concerning
 24 any matter which was, or could have been, determined
 25 in a proceeding before the commission, or to stop or delay
 26 the construction or operation of any thermal powerplant
 27 except to enforce compliance with the provisions of a
 28 decision of the commission.

29 25532. The commission shall establish a monitoring
 30 system to assure that any facility certified under this
 31 division is constructed and is operating in compliance
 32 with air and water quality, public health and safety, and
 33 other applicable regulations, guidelines, and conditions
 34 adopted or established by the commission or specified in
 35 the written decision on the application. In designing and
 36 operating the monitoring system, the commission shall
 37 seek the cooperation and assistance of the State Air
 38 Resources Board, the State Water Resources Control
 39 Board, the Department of Health, and other state,
 40 regional, and local agencies which have an interest in

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1 environmental control.

2 25534. The commission may after hearings amend the
3 conditions of, or revoke the certification for, any facility
4 for any of the following reasons:

5 (a) For any material false statement set forth in the
6 application, presented in proceedings of the commission,
7 or included in supplemental documentation provided by
8 the applicant.

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

12 (c) For violation of any provision of this division or any
13 regulation or order issued by the commission under this
14 division.

15 25535. Such cost as the applicant incurs to comply
16 with the decision of the commission shall be allowed for
17 ratemaking purposes.

18 25536. Pending completion of the state and service
19 area forecasts of electric power demand specified in
20 Section 25309, the commission shall utilize as an interim
21 forecast for purposes of determining the acceptability of
22 alternative site and related facility proposals as provided
23 in subdivision (a) of Section 25514 and subdivision (d) of
24 Section 25523, the 10-year forecast of loads and resources
25 prepared by the Public Utilities Commission from reports
26 required as of March 31, 1973 under Section 2 of General
27 Order 131 of the Public Utilities Commission. On the first
28 June 1st and the second June 1st following the effective
29 date of this division, the commission shall commence
30 public hearings, at least one of which shall be in the City
31 of Sacramento. Any person may participate in any such
32 hearings. The hearing shall be conducted to secure the
33 views and comments of the public, the electric utilities,
34 other state and federal agencies, and city and county
35 governments regarding revision of the interim forecasts
36 based on the considerations specified in Section 25304
37 and on updated information regarding forecast loads and
38 resources submitted by any electric utility. Such hearings
39 shall be concluded within 30 days from the date of their
40 commencement. Within 60 days of the conclusion of the

1 hearings specified in this section, the commission shall
2 issue a final report specifying the revisions, if any, to the
3 interim forecast. The report shall be based upon the
4 information and views presented at the public hearings
5 and the commission's independent analysis.

6 25537. Upon approval of an application, the
7 commission shall forward to the Atomic Energy
8 Commission, the Environmental Protection Agency, and
9 to other appropriate federal agencies, the results of its
10 studies including the environmental impact report on the
11 facility, the written decision on the facility contained in
12 the application, and the commission's determination of
13 facility safety and reliability as provided in Section 25511.

14 25538. Upon receiving the commission's request for
15 review under subdivision (e) of Section 25519 and
16 Section 25506, the local agency may request a fee from
17 the commission to reimburse the local agency for the
18 actual and added costs of such review by the local agency.
19 The commission shall reimburse the local agency for such
20 added costs that shall be actually incurred by the local
21 agency in complying with the commission's request. The
22 commission may request a fee from the person proposing
23 the project or may devote a special fund in its budget for
24 the reimbursement of costs incurred by local agencies.

25 25539. In reviewing notices and applications for
26 certification of separate transmission lines and of
27 modifications of existing thermal powerplants, the
28 commission shall adopt rules and regulations as necessary
29 to insure that relevant duties pursuant to this division are
30 carried out.

31 25540. In the case of any site and related facility or
32 facilities for which the provisions of this division do not
33 apply, the exclusive power given to the commission
34 pursuant to Section 25500 to certify sites and related
35 facilities shall not be in effect.

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37 CHAPTER 7. RESEARCH AND DEVELOPMENT

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

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