

1 and conservation and the technology of siting facilities
2 and shall give priority to those forms of research and
3 development which are of particular importance to the
4 state, including, but not limited to, all of the following:

5 (a) Methods of energy conservation specified in
6 Chapter 5 (commencing with Section 25400).

7 (b) Increased energy use efficiencies of existing
8 thermal electric and hydroelectric powerplants and
9 increased energy efficiencies in designs of thermal
10 electric and hydroelectric powerplants.

11 (c) Exploration and accelerated development of
12 alternative sources of energy, including geothermal and
13 solar resources.

14 (d) Improved methods of construction, design, and
15 operation of facilities to protect against seismic hazards.

16 (e) Improved methods of energy demand forecasting.

17 25601. The commission shall carry out technical
18 assessment studies on all forms of energy and energy
19 related problems, in order to influence federal research
20 and development priorities and to be informed of future
21 energy options and their impacts, including, in addition
22 to those problems specified in Section 25600, but not
23 limited to, the following:

24 (a) Advanced nuclear powerplant concepts, fusion,
25 and fuel cells.

26 (b) Total energy concepts.

27 (c) New technology related to coastal and offshore
28 siting of facilities.

29 (d) Expanded use of wastewater as cooling water and
30 other advances in powerplant cooling.

31 (e) Improved methods of power transmission to
32 permit interstate and interregional transfer and
33 exchange of bulk electric power.

34 (f) Measures to reduce wasteful and inefficient uses of
35 energy.

36 (g) Shifts in transportation modes and changes in
37 transportation technology in relation to implications for
38 energy consumption.

39 (h) Methods of recycling, extraction, processing,
40 fabricating, handling, or disposing of materials, especially

1 materials which require large commitments of energy.
2 (i) Expanded recycling of materials and its effect on
3 energy consumption.

4 (j) Implications of government subsidies and taxation
5 and ratesetting policies.

6 Such assessments may also be conducted in order to
7 determine which energy systems among competing
8 technologies are most compatible with standards
9 established pursuant to this division.

10 25602. The commission shall, in cooperation with
11 other state agencies, undertake for research purposes,
12 the design, construction, and operation of energy
13 conserving buildings using data developed pursuant to
14 Section 25401, in order to demonstrate the economic and
15 technical feasibility of such designs.

16 25603. Beginning with the fiscal year commencing 2
17 years and 6 months after the effective date of this
18 division, the commission shall each year submit to the
19 Governor for inclusion in the state budget an integrated
20 program of proposed research and development and
21 technical assessment projects including the priority items
22 established in Sections 25600, 25601, and 25602. The
23 commission shall describe the objectives and anticipated
24 end product of each project, funding and staff
25 requirements, timing and other information which is
26 necessary to describe the projects adequately. As part of
27 each submission, the commission shall describe the
28 progress of its programs.

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

34
35 CHAPTER 8. EMERGENCY POWERS
36

37 25700. The commission shall, in accordance with the
38 provisions of this chapter, restrict the use of, or limit the
39 availability of, electrical or other forms of energy to avoid
40 impending serious shortages of electrical energy or fossil

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3 25701. (a)
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11 (b) The co
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39 25703. Up
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1 *fuel supplies and to protect the public health, safety, and*
2 *welfare.*

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

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

18 *25702. The commission shall, after public hearings,*
19 *review the emergency load curtailment program plans or*
20 *emergency distribution plans submitted pursuant to*
21 *Section 25701, and, within one year after the effective*
22 *date of this division, the commission shall adopt an*
23 *Emergency Load Curtailment and Energy Distribution*
24 *Plan. The plan shall be based upon the plans presented*
25 *by the electric utilities, utilities or retailers supplying*
26 *natural gas, and fuel manufacturers, independent*
27 *analysis and study by the commission and information*
28 *provided at the hearings. The plan shall provide, but not*
29 *be limited to, the following actions on the part of the*
30 *commission:*

31 *(a) Recommend to the Public Utilities Commission*
32 *changes in the rates or rate schedules for electric power*
33 *and natural gas.*

34 *(b) Require that persons supplying natural gas or*
35 *electric utilities restrict new service connections.*

36 *(c) Allocate electrical energy and other forms of*
37 *energy among users to assure that critical energy needs*
38 *are supplied.*

39 *25703. Upon a declaration of an energy supply*
40 *emergency or serious fuel shortage by the Governor or by*

1 concurrent resolution of the Legislature, each electric
 2 utility, person or retailer supplying natural gas, and fuel
 3 manufacturer shall carry out the responsibilities specified
 4 by the commission pursuant to the plan.

5 25703.5. If the commission determines that all
 6 reasonable conservation, allocation, and service
 7 restriction measures will not alleviate an energy supply
 8 emergency, upon ratification of the commission's
 9 determination either by the Governor or by concurrent
 10 resolution of the Legislature, and upon a declaration by
 11 the Governor or by concurrent resolution of the
 12 Legislature that a direct and immediate threat to the
 13 public health, safety, and welfare exists, the commission
 14 is empowered to authorize the use of temporary
 15 generating facilities not to exceed 250 megawatts net
 16 electrical capacity per unit. Within 60 days of the
 17 authorization of the use of such temporary generating
 18 facilities, the commission shall issue a report detailing the
 19 full nature, extent, and estimated duration of the
 20 emergency situation and making recommendations to
 21 the Governor and the Legislature for further energy
 22 conservation and energy supply measures to alleviate the
 23 emergency situation as alternatives to the use of such
 24 temporary generating facilities.

25 25704. Within four months after the date of
 26 certification of any new site and related facility, the
 27 commission shall review and revise the plan based on
 28 additional new capacity attributed to any such facility.
 29 The commission shall after public hearings review the
 30 plan at least every five years from the adoption of the
 31 initial plan adopted as specified in Section 25702.

32 25705. The commission shall carry out studies to
 33 determine if potential serious shortages of electrical, gas,
 34 or other sources of energy are likely to occur and shall
 35 make recommendations to the Governor and the
 36 Legislature concerning administrative and legislative
 37 actions needed to avert possible energy supply
 38 emergencies or serious fuel shortages, including, but not
 39 limited to, energy conservation and energy development
 40 measures.

1 25706. Pending
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 8 CHAPTER
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37 25802. Each
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1 25706. Pending completion of the plan as specified in
2 Section 25702, in the event of an energy supply
3 emergency or serious fuel shortage, the responsibility for
4 taking specific actions to allocate fuels and energy to
5 meet critical needs shall rest with the Governor or his
6 designees.

7
8 CHAPTER 9. STATE ENERGY RESOURCES
9 CONSERVATION AND DEVELOPMENT FUND
10

11 25800. There is hereby created the State Energy
12 Resources Conservation and Development Fund in the
13 State Treasury. On and after the effective date of this
14 division, each electric utility shall add a surcharge of
15 two-tenths of a mill (\$0.0002) per kilowatt hour to the cost
16 of electric power sold to consumers in the state.

17 25801. (a) The Public Utilities Commission shall
18 require every electrical corporation, as defined in Section
19 218 of the Public Utilities Code, in the state to make
20 quarterly payments, commencing on January 1, of each
21 year, to the State Treasurer of all funds received pursuant
22 to this division, less administrative costs incurred in
23 collecting and transferring such funds to the state. The
24 amount of funds retained by any electrical corporation
25 for administrative costs shall not exceed 1.5 percent of the
26 total funds collected by any such corporation.

27 (b) Every electric utility, except an electric utility
28 which is an electrical corporation within the meaning of
29 subdivision (a), shall make quarterly payments,
30 commencing on January 1 of each year, to the State
31 Treasurer of all funds received pursuant to this division,
32 less administrative costs incurred in collecting and
33 transferring such funds to the state. The amount of funds
34 retained by any electric utility for administrative costs
35 shall not exceed 1.5 percent of the total funds collected
36 by any such utility.

37 25802. Each person who submits to the commission a
38 notice of intent for any proposed generating facility shall
39 accompany the notice with a fee of one cent (\$0.01) per
40 kilowatt of net electric capacity of the proposed

1 generation facility. Such fee shall only be paid on one of
2 the alternate proposed facility sites which has the highest
3 electrical designed capacity. In no event shall such fee be
4 less than one thousand dollars (\$1,000) nor more than
5 twenty-five thousand dollars (\$25,000).

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

10 Such fees shall be paid into the State Energy Resources
11 Conservation and Development Fund.

12 25803. All the moneys received pursuant to the
13 provisions of this division shall be deposited in the fund
14 and shall be subject to state auditing procedure. The
15 moneys in the fund shall be expended, without regard to
16 fiscal years, for purposes of carrying out the provisions of
17 this division, when appropriated by the Legislature.

18

19 CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

20

21 25900. Except as provided in Section 25531, whenever
22 the commission finds that any provision of this division is
23 violated or a violation is threatening to take place which
24 constitutes an emergency requiring immediate action to
25 protect the public health, welfare, or safety, the Attorney
26 General, upon request of the commission, shall petition a
27 court to enjoin such violation. The court shall have
28 jurisdiction to grant such prohibitory or mandatory
29 injunctive relief as may be warranted by way of
30 temporary restraining order, preliminary injunction, and
31 permanent injunction.

32 25901. (a) Within 30 days after the commission issues
33 its determination on any matter specified in this division,
34 except as provided in Section 25531, any aggrieved
35 person may file with the superior court a petition for a
36 writ of mandate for review thereof. Failure to file such an
37 action shall not preclude a person from challenging the
38 reasonableness and validity of a decision in any judicial
39 proceedings brought to enforce such decision for other
40 civil remedies.

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1 (b) The evidence before the court shall consist of the
2 record before the commission, and any other relevant
3 facts which, in the judgment of the court, should be
4 considered in determining the validity of any decision of
5 the commission.

6 (c) Except as otherwise provided herein, the
7 provisions of subdivisions (e) and (f) of Section 1094.5 of
8 the Code of Civil Procedure shall govern proceedings
9 pursuant to this section.

10 SEC. 3. Notwithstanding Section 2231 of the Revenue
11 and Taxation Code, there shall be no reimbursement
12 pursuant to that section nor shall there be any
13 appropriation made by this act because the Legislature
14 recognizes that during any legislative session a variety of
15 changes to laws relating to crimes and infractions may
16 cause both increased and decreased costs to local
17 governmental entities and school districts which, in the
18 aggregate, do not result in significant identifiable cost
19 changes. In addition, self-financing authority is provided
20 in the form of rate increases by Section 12809 of the
21 Public Utilities Code.

22 SEC. 4. If any provision of this act or the application
23 thereof to any person or circumstances is held invalid,
24 such invalidity shall not affect other provisions or
25 applications of the act which can be given effect without
26 the invalid provision or application, and to this end the
27 provisions of this act are severable.

28 is added to the Public Resources Code, to read:

29
30 **DIVISION 15. ENERGY CONSERVATION AND**
31 **DEVELOPMENT**

32
33 **CHAPTER 1. TITLE AND GENERAL PROVISIONS**

34
35 25000. This division shall be known and may be cited
36 as the State Energy Resources Conservation and
37 Development Act.

38 25001. The Legislature hereby finds and declares that
39 electrical energy is essential to the health, safety and
40 welfare of the people of this state and that it is the

1 responsibility of state government to ensure that a
 2 reliable supply of electrical energy is maintained at a
 3 level consistent with the need for such energy for
 4 protection of public health and safety, and for
 5 environmental quality protection.

6 25002. The Legislature further finds and declares that
 7 the present rapid rate of growth in demand for electric
 8 energy is in part due to wasteful, uneconomic, inefficient,
 9 and unnecessary uses of power and a continuation of this
 10 trend will result in serious depletion or irreversible
 11 commitment of fuels, land and water resources, and
 12 potential threats to the state's environmental quality.

13 25003. The Legislature further finds and declares that
 14 plans for future electrical generating and transmitting
 15 facilities should be coordinated with state, regional, and
 16 local plans for land use, urban expansion, transportation
 17 systems, environmental protection, and economic
 18 development.

19 25004. The Legislature further finds and declares that
 20 there is a pressing need to accelerate research and
 21 development into alternative sources of energy and into
 22 improved technology of design and siting of power
 23 facilities.

24 25005. The Legislature further finds and declares that
 25 prevention of delays and interruptions in the orderly
 26 provision of electrical energy, protection of
 27 environmental values, and conservation of energy
 28 resources require expanded authority and technical
 29 capability within state government.

30 25006. It is the policy of the state and the intent of the
 31 Legislature to establish and consolidate within state
 32 government responsibility for managing the state's
 33 energy resources, for encouraging and conducting
 34 research and development into energy supply and
 35 demand problems, and for regulating electrical
 36 generating and transmitting facilities.

37 25007. It is further the policy of the state and the
 38 intent of the Legislature to employ a range of measures
 39 to influence the rate of growth of electricity consumption
 40 in order to reduce wasteful, uneconomical, and

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1 unnecessary uses; prudently conserve energy resources;
2 and assure statewide environmental, public safety, and
3 land use goals.

4
5 **CHAPTER 2. DEFINITIONS**

6
7 **25100.** Unless the context otherwise requires, the
8 definitions in this chapter govern the construction of this
9 division.

10 **25101.** "Applicant" means any person who submits an
11 application for certification pursuant to the provisions of
12 this division.

13 **25102.** "Application" means any request for
14 certification of any facility filed in accordance with the
15 procedures established pursuant to this division.

16 **25103.** "Coastal zone" means the "coastal zone" as
17 defined in Section 27100.

18 **25104.** "Commission" means the State Energy
19 Resources Conservation and Development Commission.

20 **25105.** "Construction" means onsite work to install
21 permanent equipment or structure for any facility.
22 "Construction" does not include any of the following:

23 (a) The installation of environmental monitoring
24 equipment.

25 (b) A soil or geological investigation.

26 (c) A topographical survey.

27 (d) Any other study or investigation to determine the
28 environmental acceptability or feasibility of the use of the
29 site for any particular facility.

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

32 **25106.** "Counsel" means the legal counsel employed
33 by the commission pursuant to Section 25217.

34 **25107.** "Electric transmission line" means any electric
35 power line which carries more than 200 kilovolts and all
36 appurtenant facilities thereof, including, but not limited
37 to, switching yards. "Electric transmission line" does not
38 include any replacement on the existing site of existing
39 facilities with facilities equivalent thereto or the
40 placement of new or additional conductors, insulators, or

1 accessories related thereto on supporting structures in
2 existence on the effective date of this division.

3 25108. "Electric utility" means any person engaged
4 in, or authorized to engage in, generating, transmitting,
5 or distributing electric power, including, but not limited
6 to, any such person who is subject to the regulation of the
7 Public Utility Commission.

8 25109. "Energy" means work or heat that is, or may
9 be, produced from any fuel or source whatsoever.

10 25110. "Facility" means any electric transmission line
11 or thermal powerplant regulated according to the
12 provisions of this division.

13 25111. "Fund" means the State Energy Resources
14 Conservation and Development Fund.

15 25112. "Member" or "member of the commission"
16 means a member of the State Energy Resources
17 Conservation and Development Commission appointed
18 pursuant to Section 25200.

19 25113. "Notice" means the notice of intent which
20 shall state the intention of an applicant to file an
21 application for certification of any facility.

22 25114. "Party of interest" means any person who the
23 commission finds and acknowledges as having a real and
24 direct interest in any proceeding or action carried on,
25 under, or as a result of the operation of, this division.

26 25115. "Permit area" means the "permit area" as
27 defined in Section 27104.

28 25116. "Person" means any person, firm, association,
29 organization, partnership, business trust, corporation, or
30 company. "Person" also includes any city, county, public
31 district or agency, the state or any department or agency
32 thereof, and the United States to the extent authorized by
33 federal law.

34 25117. "Plan" means the Emergency Load
35 Curtailment and Energy Distribution Plan.

36 25118. "Service area" means any contiguous
37 geographic area serviced by the same electric utility.

38 25119. "Site" means any proposed location on which
39 a facility is constructed or is proposed to be constructed.

40 25120. "Thermal powerplant" means any stationary

1 or floating electri
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5
6 CHAPTER
7 CONSERVATION

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9 25200. There
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1 or floating electrical generating facility using any source
2 of thermal energy, with a generating capacity of 50
3 megawatts or more, and any facilities appurtenant
4 thereto.

5
6 **CHAPTER 3. STATE ENERGY RESOURCES**
7 **CONSERVATION AND DEVELOPMENT COMMISSION**
8

9 **25200.** There is in the Resources Agency the State
10 Energy Resources Conservation and Development
11 Commission, consisting of five members appointed by
12 the Governor subject to the confirmation of the Assembly
13 and the Senate pursuant to Section 25204.

14 **25201.** One member of the commission shall be
15 qualified in the field of physical science; one member
16 shall be an attorney and a member of the State Bar of
17 California who is qualified in the field of governmental or
18 administrative law; one member shall be an ecologist
19 with background and experience in the study of natural
20 biological ecosystems; one member shall be an economist
21 with background and experience in the field of natural
22 resource management; and one member shall be from
23 the public at large.

24 **25202.** The Secretary of the Resources Agency and
25 the chairman of the Public Utilities Commission shall be
26 ex officio, nonvoting members of the commission, whose
27 presence shall not be counted for a quorum or for vote
28 requirements.

29 **25203.** Each member of the commission shall
30 represent the state at large and not any particular area
31 thereof and shall serve on a full-time basis.

32 **25204.** The Governor shall appoint the members of
33 the commission within 30 days after the effective date of
34 this division. The appointments to the commission shall
35 be confirmed unless the appointment is rejected by a
36 majority vote of all the members of either the Assembly
37 or the Senate within 60 days from the date of
38 appointment by the Governor. Action by either house to
39 reject any appointment shall cause a vacancy in the office
40 to which the appointment was made, and the Governor

1 shall, within 30 days, make another appointment.

2 25205. (a) No person shall be a member of the
3 commission who, during the past two years prior to
4 appointment on the commission, received any portion of
5 his income directly or indirectly from any electric utility,
6 or any person who engages in sale or manufacture of any
7 component of any facility: No member of the commission
8 shall be employed by any electric utility, applicant, or any
9 person who engages in sale or manufacture of any
10 component of any facility within two years after he ceases
11 to be a member of the commission:

12 (b) Except as provided in Section 25202, the members
13 of the commission shall not hold any other elected or
14 appointed public office or position:

15 (c) The members of the commission and all employees
16 of the commission shall comply with all applicable
17 provisions of Section 19251 of the Government Code.

18 (d) No person who is a member or employee of the
19 commission shall participate personally and substantially
20 as a member or employee of the commission, through
21 decision, approval, disapproval, recommendation, the
22 rendering of advice, investigation, or otherwise, in a
23 judicial or other proceeding, hearing, application,
24 request for a ruling, or other determination, contract,
25 claim, controversy, study, plan, or other particular matter
26 in which, to his knowledge, he, his spouse, minor child, or
27 partner, or any organization in which he is serving, or has
28 served as officer, director, trustee, partner, or employee
29 while serving as a member or employee of the
30 commission or within two years prior to his appointment
31 as a member of the commission, has a direct or indirect
32 financial interest.

33 (e) No person who is a partner, employer, or
34 employee of a member or employee of the commission
35 shall act as an attorney, agent, or employee for anyone
36 other than the state in connection with any judicial or
37 other proceeding, hearing, application, request for a
38 ruling, or other determination, contract, claim,
39 controversy, study, plan, or other particular matter in
40 which the commission is a party or has a direct and

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1 substantial interest.

2 (f) The provisions of subdivisions (c), (d), and (e) of
3 this section shall not apply, if the Attorney General finds
4 that the interest of the member or employee of the
5 commission is not so substantial as to be deemed likely to
6 affect the integrity of the services which the state may
7 expect from such member or employee.

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

13 25206. The terms of office of the members of the
14 commission shall be for six years; except that the
15 members first appointed to the commission shall classify
16 themselves by lot so that the term of office of one
17 member shall expire at the end of two years after the
18 effective date of this division; the terms of office of two
19 members shall expire at the end of four years after the
20 effective date of this division; and the terms of office of
21 two members shall expire at the end of six years after the
22 effective date of this division. Any vacancy shall be filled
23 by the Governor within 30 days of the date on which a
24 vacancy occurs for the unexpired portion of the term in
25 which it occurs or for any new term of office.

26 If the Governor fails to make an appointment for any
27 vacancy within such 30-day period, the Senate Rules
28 Committee may make the appointment to fill the
29 vacancy for the unexpired portion of the term in which
30 the vacancy occurred or for any new term of office;
31 subject to the confirmation as prescribed by Section
32 25204.

33 25207. The members of the commission shall receive
34 an annual salary as prescribed by Section 11550 of the
35 Government Code.

36 Each member of the commission shall receive the
37 necessary traveling and other expenses incurred in the
38 performance of his official duties. When necessary the
39 members of the commission and its employees may travel
40 within or without the state.

1 25208. Before entering upon the duties of his office
2 each member of the commission shall execute an official
3 bond to the state in the penal sum of twenty-five
4 thousand dollars (\$25,000), conditioned upon the faithful
5 performance of his duties.

6 25209. Each member of the commission shall have
7 one vote. Except as provided in Section 25211, the
8 affirmative votes of at least three members shall be
9 required for the transaction of any business of the
10 commission.

11 25210. The commission may hold any hearings and
12 conduct any investigations in any part of the state
13 necessary to carry out its powers and duties prescribed by
14 this division and for such purposes has the same powers
15 as is conferred upon heads of departments of the state by
16 Article 2 (commencing with Section 1180) of Chapter 2,
17 Part 1, Division 3, Title 2 of the Government Code.

18 25211. The commission may appoint a committee of
19 not less than three members of the commission to carry
20 on investigations, inquiries, or hearings which the
21 commission has power to undertake or to hold. Every
22 order made by such committee pursuant to such inquiry,
23 investigation, or hearing, when approved or confirmed
24 by the commission and ordered filed in its office, shall be
25 the order of the commission.

26 25212. The Governor shall designate the chairman
27 of the commission from among its members. The person
28 so designated shall hold the office of chairman at the
29 pleasure of the Governor. The commission shall elect a
30 vice chairman from among its members.

31 25213. The commission shall adopt rules for the
32 conduct of its affairs in conformity with the provisions of
33 Chapter 4.5 (commencing with Section 11371) of Part 1,
34 Division 3, Title 2 of the Government Code.

35 25214. The commission shall maintain its
36 headquarters in the City of Sacramento and may establish
37 branch offices in such parts of the state as the commission
38 deems necessary. The commission shall hold meetings at
39 such times and at such places as shall be determined by
40 it. All meetings and hearings of the commission shall be

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1 open to the public. The first meeting of the commission
2 shall be held within 75 days after the effective date of this
3 division. The Governor shall designate the time and place
4 for the first meeting of the commission.

5 25215. Any member of the commission may be
6 removed from office by the Legislature, by concurrent
7 resolution adopted by a majority vote of all members
8 elected to each house, for dereliction of duty or
9 corruption or incompetency.

10 25216. In addition to other duties specified in this
11 division, the commission shall do all of the following:

12 (a) Undertake a continuing assessment of trends in
13 the consumption of electrical energy and other forms of
14 energy and analyze the social, economic, and
15 environmental consequences of these trends; carry out
16 directly, or cause to be effectuated, energy conservation
17 measures specified in Chapter 5 (commencing with
18 Section 25400) of this division; and recommend to the
19 Governor and the Legislature new and expanded energy
20 conservation measures as required to meet the objectives
21 of this division.

22 (b) Develop procedures for collecting from electric
23 utilities and other sources forecasts of future loads and
24 resources for all sources of energy, including electrical;
25 independently analyze such forecasts in relations to
26 statewide estimates of population, economic, and other
27 growth factors and in terms of the availability of fuel
28 resources, costs to consumers, and other factors; and
29 formally specify statewide and service area energy
30 demands to be utilized as a basis for planning the siting
31 and design of electric power generating and related
32 facilities.

33 (c) Carry out, or cause to be carried out, under
34 contract or other arrangements, research and
35 development into alternative sources of energy,
36 improvements in energy generation, transmission, and
37 siting, fuel substitution, and other topics related to
38 energy supply, demand, public safety, ecology, and
39 conservation.

40 25216.3. (a) The commission shall compile local,

1 regional, state, and federal land use, public safety,
 2 environmental, and other standards to be met in
 3 designing, siting, and operating in the state, adopt
 4 standards, except for air and water quality, to be met in
 5 designing or operating facilities to safeguard public
 6 health and safety, which shall be more stringent than
 7 those adopted by local, regional, or other state agencies,
 8 or by any federal agency if permitted by federal law, and
 9 monitor compliance and ensure that all facilities are
 10 operated in accordance with this division.

11 (b) The local, regional, and other state agencies shall
 12 advise the commission as to any change in its standards,
 13 ordinances, or laws which are pertinent and relevant to
 14 the objective of carrying out the provisions of this
 15 division.

16 25216.5. The commission shall do all of the following:

17 (a) Prescribe the form and content of applications for
 18 facilities; conduct public hearings and take other actions
 19 to secure adequate evaluation of applications; and
 20 formally act to approve or disapprove applications,
 21 including specifying conditions under which approval
 22 and continuing operation of any facility shall be
 23 permitted.

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

29 (c) Evaluate policies governing the establishment of
 30 rates for electric power and other sources of energy as
 31 related to energy conservation, environmental
 32 protection, and other goals and policies established in this
 33 division, and transmit recommendations for changes in
 34 power/pricing policies and rate schedules to the
 35 Governor, the Legislature, and to the Public Utilities
 36 Commission.

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

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25217. The commission shall do all of the following:

(a) Appoint an executive director, who shall serve at his pleasure and whose duties and salary shall be prescribed by the commission:

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

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

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

(a) Apply for and accept grants, contributions, and appropriations:

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

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

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

(e) Adopt any rule or regulation, or take any action, if deemed reasonable and necessary to carry out the provisions of this division:

25219. The provisions specifying any power or duty of the commission shall be liberally construed, in order to carry out the objectives of this division:

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

25220. The commission may participate as a party, to the extent that it shall determine, in any proceeding before any federal or state agency having authority whatsoever to approve or disapprove any aspect of a proposed facility, receive notice from any applicant of all

1 applications and pleadings filed subsequently by such
 2 applicants in any of such proceedings, and, by its request,
 3 receive copies of any of such subsequently filed
 4 applications and pleadings that it shall deem necessary.
 5 **25221.** Upon request of the commission, the Attorney
 6 General shall represent the commission and the state in
 7 litigation concerning affairs of the commission, unless
 8 another state agency, represented by the Attorney
 9 General, is a party to the action. In such case the counsel
 10 of the commission shall represent the commission. The
 11 provisions of Sections 11014, 11015, and 11016 of the
 12 Government Code do not apply to the commission.
 13 **25222.** In addition to other duties as may be
 14 prescribed, the counsel shall insure that full and adequate
 15 participation by all interested groups and the public at
 16 large is secured in the planning and site certification
 17 procedures provided in this division. The counsel shall
 18 insure that timely and complete notice of commission
 19 meetings and public hearings is disseminated to all
 20 interested groups and to the public at large. The counsel
 21 shall also advise such groups and the public as to effective
 22 ways of participating in the commission's proceedings.
 23 The counsel shall recommend to the commission
 24 additional measures to assure open consideration and
 25 public participation in energy planning and site
 26 certification.
 27 **25223.** The commission shall make available any
 28 information filed or submitted pursuant to this division
 29 under the provisions of the California Public Records Act,
 30 Chapter 3.5 (commencing with Section 6250) of Division
 31 7, Title 1 of the Government Code.
 32 **25224.** The commission and other state agencies shall,
 33 to the fullest extent possible, exchange records, reports,
 34 material, and other information relating to energy
 35 resources and conservation and power facilities siting, or
 36 any areas of mutual concern, to the end that unnecessary
 37 duplication of effort may be avoided.

CHAPTER 4.

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 3 **25200.** Beginning
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 9 will be required to
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 37 (f) An annual
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1 CHAPTER 4: PLANNING AND FORECASTING

2
3 25300. Beginning January 1, 1975, and every two years
4 thereafter, every electric utility in the state shall prepare
5 and transmit to the commission a report specifying 5/, 10/,
6 and 20/year forecasts or assessments of loads and
7 resources for its service area. The report shall set forth
8 the facilities which, as determined by the electric utility,
9 will be required to supply electric power during the
10 forecast or assessment periods. The report shall be in a
11 form specified by the commission and shall include all of
12 the following:

13 (a) A tabulation of estimated peak loads, resources,
14 and reserve margins for each year during the 5/ and
15 10/year forecasted or assessed periods, and an estimation
16 of peak load, resources, and reserve margins for the last
17 year in the 20/year forecasted or assessed period.

18 (b) A list of existing electric generating plants in
19 service, with a description of planned and potential
20 generating capacity at existing sites.

21 (c) A list of facilities which will be needed to serve
22 additional electrical requirements identified in the
23 forecasts or assessments; the general location of such
24 facilities; and the anticipated types of fuel to be utilized
25 in proposed facilities.

26 (d) A description of additional system capacity which
27 might be achieved through, among others,
28 improvements in (1) generating or transmission
29 efficiency; (2) importation of power; (3) interstate or
30 interregional pooling; and (4) other improvements in
31 efficiencies of operation.

32 (e) An estimation of the availability and cost of fuel
33 resources for the 5/, 10/, and 20/year forecast or
34 assessment periods with a statement by the electric utility
35 describing firm commitments for supplies of fuel
36 required during the forecast or assessment periods.

37 (f) An annual load duration curve and a forecast of
38 anticipated peak loads for each forecast or assessment
39 period for the residential, commercial, industrial, and
40 such other major demand sectors in the service area of

1 the electric utility as the commission shall determine.
 2 (g) A description of population growth, urban
 3 development, industrial expansion, and other growth
 4 factors influencing increased demand for electric energy.
 5 25301. The commission shall establish and the electric
 6 utilities shall utilize, for purposes of the report, a common
 7 methodology for preparing forecasts of future loads and
 8 resources. After applying the commission's established
 9 methodology to the mandatory elements of the report
 10 specified in Section 25300, any electric utility may
 11 transmit to the commission supplementary information
 12 and forecasts based upon an alternative methodology. If
 13 such alternate methodology is employed, the electric
 14 utility shall fully describe the data and other components
 15 of the methodology, and shall specify the reasons why the
 16 approach is considered more accurate to that established
 17 by the commission.
 18 25302. Upon receipt of a report required under
 19 Section 25300 from an electric utility, the commission
 20 shall forward copies thereof to the Legislature, the Public
 21 Utilities Commission, the Secretary of Resources Agency,
 22 the Director of the Office of Planning and Research, and
 23 other concerned state and federal agencies. The report
 24 shall also be made available, at cost, to conservation
 25 groups, business and professional organizations, and
 26 other interested groups and individuals. The commission
 27 shall also forward a copy of the report to each city and
 28 county within the service area covered by the report, and
 29 shall request that the city and county review and
 30 comment on the report in relation to estimates of
 31 population growth and economic development, patterns
 32 of land use and open space, and conservation and other
 33 appropriate elements of the adopted city or county
 34 general plan.
 35 25303. Within three months after receipt of the report
 36 required under Section 25300, the commission shall hold
 37 public hearings of which at least one shall be in the City
 38 of Sacramento. Any person may participate in any such
 39 hearings. The hearing shall be conducted to secure the
 40 views and comments of the public and of other state and

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1 federal agencies, city and county governments, and
2 concerned private groups regarding the loads and
3 resources forecasted by the utilities:

4 25304. The commission shall review and evaluate the
5 electric utilities' forecasts of loads and resources in
6 relation to the population growth estimates prepared by
7 the Department of Finance, Population Research Unit,
8 and in relation to statewide and regional land use,
9 transportation, and economic development programs
10 and forecasts. The commission shall also examine the
11 implications of the forecast level of loads and resources
12 on, among others, all of the following:

13 (a) Critical environmental and other resources of the
14 state, including air and water quality, coastal, natural, and
15 other unique sites, and fuel resources.

16 (b) Public health and safety.

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

19 (d) Other significant factors which relate to the
20 provision of electrical energy in the amounts and in the
21 manner proposed by the electric utilities.

22 The commission shall also consider alternative
23 methods to those proposed by the electric utilities to
24 meet forecasted electrical energy requirements.

25 25305. Within six months after the hearings specified
26 in Section 25302, the commission shall prepare a
27 preliminary report, setting forth its findings and
28 conclusions regarding the accuracy and acceptability of
29 the electric utilities forecasts. The report shall be based
30 upon information and views presented at the public
31 hearings on the electric utilities' forecasts and the
32 commission's independent analysis and shall contain all of
33 the following:

34 (a) The commission's evaluation of the probable
35 service area and statewide, environmental, and economic
36 impact and the health and safety aspect of constructing
37 and operating the facilities proposed by the electric
38 utilities and a description of the measures considered
39 necessary by the commission to avoid or ameliorate any
40 adverse impacts.

1 (b) The proposed alternative methods for meeting the
 2 electrical energy requirements identified by the electric
 3 utilities.

4 (c) The anticipated 5/ and 10/year level of demand for
 5 energy to be utilized as a basis for certification of
 6 facilities; and an anticipated 20/year level of demand for
 7 energy to be utilized as a basis for energy conservation
 8 policies and actions.

9 (d) Identification, on a statewide and basis; of
 10 required electric facilities consistent with the
 11 commission's anticipated level of demand.

12 (e) An analysis and evaluation of the means by which
 13 the current annual rate of demand growth of electrical
 14 energy may be reduced; together with an estimate of the
 15 amount of such reduction to be obtained by each of the
 16 means analyzed and evaluated; including a statement of
 17 the impact of such reduction on the factors reviewed by
 18 the commission set forth in Section 25304 and subdivision
 19 (a) of this section.

20 25306. The commission shall distribute the report
 21 required under Section 25305 to the same persons; and
 22 under the same conditions; as prescribed in Section
 23 25302.

24 25307. Within three months after distribution of the
 25 commission's preliminary report pursuant to Section
 26 25306, the commission shall hold public hearings of which
 27 at least one shall in the City of Sacramento to obtain the
 28 views and comments of the electric utilities;
 29 governmental agencies; private groups; and the public on
 30 the commission's proposals and recommendations.

31 25308. Within three months after completion of the
 32 hearings specified in Section 25307, the commission shall
 33 establish and include within the commission's biennial
 34 report to the Governor and the Legislature, as specified
 35 in Section 25309, all of the following:

36 (a) The level of statewide and service area electrical
 37 energy demand for the forthcoming 5/ and 10/year
 38 forecast or assessment period which, in the judgment of
 39 the commission, will reasonably balance requirements of
 40 state and service area growth and development;

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1 protection of public health and safety; preservation of
2 environmental quality; and conservation of energy
3 resources. Such 5/ and 10/year forecasts or assessments
4 established by the commission shall serve as the basis for
5 planning and certification of facilities proposed by
6 electric utilities.

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

- 11 (1) Demand/reducing policies;
- 12 (2) Conservation of energy fuels;
- 13 (3) Development of potential sources of energy;
- 14 (4) Other policies and actions designed to affect the
15 rate of growth in demand for electrical energy.

16 (c) A list, including maps, of existing electrical power
17 generating sites, indicating those where the commission
18 has determined that expansion is feasible within the
19 forthcoming 10/year period.

20 (d) A list, including maps, of additional electrical
21 generating sites, including the generating capacity of the
22 sites and the type of fuel and other general characteristics
23 of the facilities which, as determined by the commission,
24 will be required to meet the 10/year level of electrical
25 energy demand established by the commission as
26 specified in subdivision (a) of this section.

27 25209. Beginning March 1, 1976, and every two years
28 thereafter, the commission shall transmit to the Governor
29 and the Legislature a comprehensive report designed to
30 identify emerging trends related to energy supply,
31 demand, and conservation and public health and safety
32 factors and to provide the basis for state policy and
33 actions in relation thereto; including, but not limited to,
34 approval of new sites for additional facilities. The report
35 shall include, but not be limited to, all of the following:

36 (a) An overview, looking 20 years ahead, of statewide
37 growth and development as they relate to future
38 requirements for energy; including patterns of urban
39 metropolitan expansion; statewide and service area
40 economic growth; shifts in transportation modes;

1 modifications in housing types and design, and other
2 trends and factors which, as determined by the
3 commission, will significantly affect state energy policy
4 and programs.

5 (b) Updating of the 5/, 10/, and 20/year levels of
6 statewide and service area demand for electrical energy
7 specified in subdivisions (a) and (b) of Section 25308. The
8 commission shall present supporting information to
9 explain upward or downward shifts from the previous
10 estimates.

11 (c) Updating of the list, including maps, specified in
12 subdivision (c) of Section 25308, of existing electrical
13 power generating sites where further expansion is
14 considered feasible.

15 (d) Updating of the list, including maps, specified in
16 subdivision (d) of Section 25308, of additional electrical
17 generating sites and the generating capacity required
18 within each service area of the state within the
19 forthcoming 10/year period.

20 (e) Relevant and applicable air and water quality
21 standards prescribed by any local, regional, state, or
22 federal agency, to be identified by the commission, in any
23 particular service area. Standards and guidelines related
24 to land use control and other forms of environmental
25 protection and public safety standards to be adopted by
26 the commission.

27 (f) Based upon the commission's 20/year forecasts or
28 assessment of growth trends in energy consumption,
29 identification of potential adverse social, economic, or
30 environmental impacts which might be imposed by
31 continuation of the present trends, including, but not
32 limited to, the costs of electrical and other forms of
33 energy to consumers, significant increase in air, water,
34 and other forms of pollution, threats to public health and
35 safety, and loss of scenic and natural sites for facilities.

36 (g) Assessment of the state's energy resources,
37 including among others, fossil fuels and nuclear, solar,
38 and geothermal sources; examination of the availability of
39 commercially developable fuels, including imported
40 fuels, during the forthcoming 10/ and 20/year periods; and

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23 CHAPTER 5.

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1 recommendations regarding measures to be applied to
2 conserve energy fuels.

3 (h) An analysis and evaluation of the means by which
4 the current annual rate of demand growth of electrical
5 energy may be reduced, together with an estimate of the
6 amount of such reduction to be obtained by each of the
7 means analyzed and evaluated, including, but not limited
8 to, a statement of the impact of such reduction on the
9 factors reviewed by the commission set forth in Section
10 25304 and subdivision (a) of this section.

11 (i) The status of the commission's ongoing research
12 and development program directed to energy supply,
13 demand, and conservation and description of new
14 projects which have been proposed for funding as
15 specified in Chapter 7 (commencing with Section 25600)
16 of this division.

17 (j) Description of the commission's adopted plan for
18 emergency measures to be applied in the event of
19 impending serious shortage of electrical and other forms
20 of energy as provided in Chapter 8 (commencing with
21 Section 25700) of this division.

22
23 **CHAPTER 5. ENERGY RESOURCES CONSERVATION**

24
25 25400. The commission shall conduct an ongoing
26 assessment of the opportunities and constraints
27 presented by all forms of energy. The commission shall
28 encourage the balanced use of all sources of energy to
29 meet the state's needs and shall seek to avoid possible
30 undesirable consequences of reliance on a single source
31 of energy.

32 25401. The commission shall continuously carry out
33 studies, research projects, data collection, and other
34 activities required to assess the nature, extent, and
35 distribution of energy resources to meet the needs of the
36 state, including but not limited to fossil fuels and solar,
37 nuclear, and geothermal resources. It shall also carry out
38 studies, technology assessments, research projects, data
39 collection and other activities directed to reducing
40 wasteful, inefficient, unnecessary, or uneconomic uses of

1 electrical energy, including but not limited to, all of the
2 following:

- 3 (a) Pricing of electrical and other forms of energy.
- 4 (b) Improved housing design and insulation.
- 5 (c) Restriction of promotional activities designed to
6 increase the use of electrical energy by consumers.
- 7 (d) Improved appliance efficiency.
- 8 (e) Advancements in power generation and
9 transmission technology.

10 The commission shall continually assess the potential of
11 commercially developable energy resources. The
12 commission shall be a central repository of data and
13 information on energy resources. The commission shall
14 survey pursuant to this section all forms of energy on
15 which to base its recommendations to the Governor and
16 Legislature for elimination of waste or increases in
17 efficiency for sources or uses of energy. The commission
18 shall transmit to the Governor and the Legislature, as
19 part of the biennial report specified in Section 25309,
20 recommendations for state policy and actions for the
21 orderly development of all potential sources of energy to
22 meet the state's needs, including, but not limited to, fossil
23 fuels and solar, nuclear, and geothermal resources, and to
24 reduce wasteful and inefficient uses of energy.

25 25402. Within one year after the effective date of this
26 division, the commission shall, after one or more public
27 hearings, by regulations, do all of the following, in order
28 to reduce the wasteful uneconomic, inefficient, or
29 unnecessary consumption of energy:

- 30 (a) Prescribe minimum standards for lighting,
31 insulation, climate control systems, and other building
32 design and construction aspects which increase the
33 efficient use of energy and which result in energy savings
34 or a reduction of electrical energy capacity. Such
35 standards shall be economically feasible in that the
36 resultant savings in energy procurement shall be greater
37 than the cost of the energy consuming requirements
38 amortized over the designed life of the building. No city
39 or county shall approve any building permit unless the
40 standards prescribed by the commission pursuant to this

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1 section are satisfied.

2 (b) Prescribe per unit energy requirement allotments
3 based on square footage for various classes of buildings
4 which would reduce the growth rate of electrical energy
5 consumption and which are technically feasible. No city
6 or county shall approve any permit for any building
7 unless the design of such building meets the energy
8 allotment prescribed by the commission pursuant to this
9 section.

10 (c) Prescribe minimum level of operating efficiency
11 for all appliances whose use, as determined by the
12 commission, require a significant amount of electrical
13 energy on a statewide basis. Such minimum levels of
14 operating efficiency shall be based on attainable
15 efficiencies or improved feasible efficiencies which will
16 reduce the electrical energy consumption growth rate.
17 After six months following the date of the adoption of
18 such minimum levels of operating efficiency, no
19 appliance may be sold in the state which is not certified
20 by the manufacturer thereof to be in compliance with
21 such minimum level of operating efficiency. Such
22 minimum levels of efficiency shall not result in any added
23 consumer costs which exceed the cost to the consumer of
24 electrical procurement required to operate the appliance
25 for the design life of such appliance.

26 (d) Prescribe minimum standards of efficiency for
27 construction and operation of any new facility which are
28 technically and economically feasible. Except as
29 provided in Section 25529, no facility shall be certified
30 pursuant to Chapter 6 (commencing with Section 25500)
31 of this division if the standards established by the
32 commission are not met.

33 25403. The commission shall submit to the Public
34 Utilities Commission and to any publicly owned electric
35 utility, recommendations designed to reduce wasteful,
36 unnecessary, or uneconomic energy consumption
37 through differential rate structures, cost-of-service
38 allocations, elimination as a business expense, of
39 advertising or promotional activities which encourage
40 the use of electrical power, peakload pricing, and other

1 pricing measures. The Public Utilities Commission or a
2 publicly owned electric utility shall review and consider
3 such recommendations and shall, within six months after
4 the date it receives them, implement such
5 recommendations. In the event the Public Utility
6 Commission or any publicly owned electric utility finds
7 that it is not feasible to implement such
8 recommendations, it shall report to the Governor, the
9 Legislature, and the commission setting forth the reasons
10 why it is not feasible to implement such
11 recommendations.

12 25404. The commission shall cooperate with the
13 Office of Planning and Research, the Resources Agency
14 and other interested parties in developing procedures to
15 ensure that mitigation measures to minimize wasteful,
16 inefficient, and unnecessary consumption of energy are
17 included in all environmental impact reports required on
18 local projects as specified in Section 21151.

20 CHAPTER 6. POWER FACILITY CERTIFICATION

21
22 25500. In accordance with the provisions of this
23 division, the commission shall have the exclusive power
24 and responsibility to certify sites for all facilities in the
25 state, except for any facility located in the permit area,
26 whether designed to meet the requirements of a new
27 facility or to change or add to an existing facility.

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

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

38 25501. Each person who submits to the commission a
39 notice of intent for any proposed generating facility shall
40 accompany the notice with a fee of one cent (\$.01) per

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1 kilowatt of net electric capacity of the proposed
2 generation facility. Such fee shall only be paid on one of
3 the alternate proposed facility sites which has the highest
4 electrical designed capacity. In no event shall such fee be
5 less than one thousand dollars (\$1,000) nor more than
6 twenty-five thousand dollars (\$25,000).

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

11 **25502.** The notice shall be in a form specified by the
12 commission and shall be supported by such additional
13 information and technical documentation as the
14 commission may require.

15 **25503.** The notice shall state the intention of the
16 applicant to file an application for a facility and shall
17 propose at least three site locations for each new facility,
18 at least one of which shall not be located, in whole or in
19 part, in the coastal zone. If modification of an existing
20 facility is proposed, the commission may require that
21 alternative methods of providing the additional service
22 or making the proposed modification be specified in the
23 notice.

24 **25504.** The notice shall include a statement by the
25 applicant describing the size of the proposed facility, the
26 type or types of fuels to be used, the methods of
27 construction and operation, the proposed site of the
28 facility, together with location of associated transmission
29 lines; a preliminary statement of the relative economic,
30 technological, and environmental advantages and
31 disadvantages of the alternative site proposals specified
32 in the notice; a statement of need for the facility and
33 compatibility with the most recent biennial report which
34 the commission is required to submit to the Governor
35 and the Legislature pursuant to Section 25309; and any
36 other information that an electrical utility deems
37 desirable to submit to the commission.

38 **25505.** Upon receipt of a notice, the commission shall
39 cause a summary of the notice to be published in a
40 newspaper of general circulation in each county in which

1 the facility, or any part thereof, designated in the notice
2 is proposed to be located. The commission shall also
3 transmit a copy of the notice to each federal, state,
4 regional, and local agency having jurisdiction or interest
5 in matters pertinent to the proposed facility at any of the
6 alternative sites. A copy of the notice shall also be
7 transmitted to the Attorney General.

8 25506. The commission shall request the appropriate
9 local, regional, state, and federal agencies to make
10 comments and recommendations regarding the design,
11 operation, and location of the facility designated in the
12 notice, in relation to environmental quality, public health
13 and safety, and other factors on which they may have
14 expertise.

15 25507. If any siting alternative proposed in the notice
16 is proposed to be located, in whole or in part, within the
17 coastal zone, the commission shall transmit a copy of the
18 notice to the California Coastal Zone Conservation
19 Commission. The commission shall request that the
20 California Coastal Zone Conservation Commission
21 complete an analysis of any coastal zone site and forward
22 preliminary findings of the acceptability of any such site,
23 prior to completion of the preliminary report required by
24 Section 25515.

25 25508. The commission shall cooperate with, and
26 render advice to, the California Coastal Zone
27 Conservation Commission and an appropriate regional
28 coastal zone conservation commission in studying
29 applications for any facility proposed to be located, in
30 whole or in part, within the permit area, if requested by
31 such coastal zone commissions, and may invite the
32 members of the California Coastal Zone Conservation
33 Commission and regional coastal zone conservation
34 commissions to participate in public hearings on the
35 notice and on the application for facility certification, in
36 connection with matters of mutual concern, as interested
37 parties in such proceedings.

38 25509. No earlier than one month, and no later than
39 three months, following the date of filing of a notice for
40 a proposed facility, the commission shall conduct one or

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3 to be located.

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1 more public hearings in each county in which the facility,
2 or any part thereof, designated in the notice is proposed
3 to be located.

4 Any person may participate, to the extent deemed
5 reasonable and relevant by the presiding member of the
6 commission, in any such hearing. Such hearings shall be
7 conducted in order to accomplish all of the following
8 purposes:

9 (a) To ascertain and set forth the electrical demand
10 basis for the purposed site of the facility.

11 (b) To provide knowledge and understanding of
12 proposed facilities and sites.

13 (c) To obtain the views and comments of the public
14 and concerned governmental agencies on the
15 environmental, public health and safety, economic,
16 social, and land use impacts of the facility at the proposed
17 sites.

18 (d) To solicit information regarding reasonable
19 alternative sources of the power to be provided by
20 alternative sites, or combinations thereof, which will
21 better carry out the policies and objectives of this
22 division.

23 25510. Upon completion of the hearing or hearings
24 held pursuant to Section 25500, the commission shall
25 determine the acceptability of each of the alternative
26 sites designated in the notice. In addition to other
27 matters, the commission's analysis shall be directed to
28 determining conformity of each of the siting alternatives
29 with the commission's adopted forecasts of demand and
30 the applicable local, regional, state, and federal standards,
31 ordinances, or laws.

32 25511. The commission shall review the factors
33 related to safety and reliability of the facility at each of
34 the alternative sites designated in the notice. In addition
35 to other information requested of the applicant, the
36 commission shall, in determining a more appropriate site
37 alternatives, require detailed information on proposed
38 emergency systems and safety precautions; plans for
39 transport, handling and storage of wastes and fuels;
40 proposed methods to prevent illegal diversion of nuclear

1 fuels; special design features to account for seismic and
 2 other potential hazards; proposed methods to control
 3 density of population in areas surrounding nuclear
 4 powerplants; and such other information as the
 5 commission may determine to be relevant to the
 6 reliability and safety of the facility at the proposed sites.
 7 The commission shall analyze the information provided
 8 by the applicant, supplementing it, where necessary, by
 9 onsite investigations and other studies. The commission
 10 shall determine the adequacy of measures proposed by
 11 the applicant to protect public health and safety, and
 12 shall include its findings in the preliminary report
 13 required by Section 25515.

14 25512. The commission may request cooperation of
 15 any local, regional, state, or federal agency in obtaining
 16 information; undertaking studies; and performing other
 17 actions necessary to secure complete and adequate
 18 evaluation of the alternate sites designated in the notice.

19 25513. The commission shall consider the comments
 20 and recommendations regarding land use,
 21 environmental impact, affect on public health and safety,
 22 or other factors relating to an alternative site designated
 23 in the notice which are submitted at any time prior to the
 24 publication of report required by Section 25515.

25 25514. At any time prior to completion of the
 26 preliminary report required by Section 25515, the
 27 commission may with the consent of the applicant,
 28 amend any alternative site proposal contained in the
 29 notice, or, add any additional alternative site proposal to
 30 the notice.

31 25515. The commission shall prepare a preliminary
 32 report on the alternative sites. The commission may
 33 include within the preliminary report any other
 34 alternatives proposed by the commission or presented to
 35 the commission at a public hearing prior to preparation
 36 of the preliminary report. The preliminary report shall be
 37 published and made available to the public and to
 38 interested local, regional, state, and federal agencies not
 39 later than 30 days prior to any hearing required under
 40 Section 25517.

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1 25516. The preliminary report shall be based upon
2 testimony presented during any hearing on the notice,
3 the comments transmitted by local, regional, state, and
4 federal agencies and the public to the commission; and
5 the independent studies conducted by the commission's
6 staff. The preliminary report shall include the findings
7 and conclusions of the commission with respect to all of
8 the following:

9 (a) The degree to which each alternative site proposal
10 designated in the notice or presented at a hearing and
11 considered by the commission is in conformity with both
12 of the following:

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

15 (2) Applicable local, regional, state, and federal
16 standards, ordinances, and laws.

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

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

23 25517. No earlier than nine months, and not later than
24 one year and eight months, after the date of completion
25 of the hearing or hearings held pursuant to Section 25509,
26 the commission shall conduct one or more hearings in
27 each county in which the proposed facility is to be
28 located. Any person may participate, to the extent
29 deemed reasonable and relevant by the presiding
30 member of the commission, in such hearing or hearings.
31 The purpose of the hearing or hearings shall be to secure
32 the comments of interested parties, including the
33 applicant, local, regional, state, and federal agencies, and
34 the public on the commission's findings and conclusions
35 and other matters set forth in the preliminary report.

36 25518. The commission shall consider the comments,
37 recommendations, and issues presented at the hearing or
38 hearings on the preliminary report and shall undertake
39 further study of siting alternatives as necessary. Within
40 six months after the completion of the hearing or

1 hearings required by Section 25517, the commission shall
2 prepare and make public a final report on the notice. The
3 final report shall include, but not be limited to, all of the
4 following:

5 (a) The findings and conclusions of the commission
6 regarding the conformity of alternative sites designated
7 in the notice or presented at the public hearing or
8 hearings and reviewed by the commission with both of
9 the following:

10 (1) The 10-year forecast of service area electric power
11 demands adopted pursuant to subdivision (b) of Section
12 25309.

13 (2) The applicable local, regional, state, and federal
14 standards, ordinances, or law as to any particular facility
15 site.

16 (b) Any findings and comments submitted by the
17 California Coastal Zone Conservation Commission or any
18 regional coastal zone conservation commission regarding
19 conformity of any siting alternative proposed in the
20 coastal zone with policies, regulations, or guidelines
21 established by the commission. Such findings and
22 comments, however, shall not constitute approval of any
23 permit required from any regional coastal zone
24 conservation commission or California Coastal Zone
25 Conservation Commission on appeal.

26 (c) The commission's ruling on the acceptability of
27 each alternative siting proposal designated in the notice
28 or presented at the public hearings and reviewed by the
29 commission. In its decision on any alternative siting
30 proposal, the commission may specify modification in the
31 design, construction, location, or other conditions which
32 will meet the standards, policies, and guidelines
33 established by the commission.

34 25519. The approval of the notice by the commission
35 shall be based upon its findings in the final report. The
36 notice shall not be approved unless the commission finds
37 at least two alternative site proposals considered in the
38 commission's final report as acceptable. If the
39 commission does not find at least two sites acceptable,
40 additional sites may be proposed by the applicant which

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1 shall be considered in the same manner as those proposed
2 in the original notice.

3 25520. Any person proposing to construct any facility
4 shall file an application for certification within three
5 years after the date of publication of the final report on
6 the notice.

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

9 25521. The application shall be in a form prescribed
10 by the commission and shall include, but not be limited
11 to, all of the following:

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

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

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

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

26 25522. Upon receipt of the application, the
27 commission shall undertake studies and investigations
28 necessary to comply with the environmental impact
29 reporting procedures established pursuant to Section
30 21100. For purposes of preparation and approval of the
31 environmental impact report on a proposed facility, the
32 commission shall be the lead agency as provided in
33 Section 21165, except as to any facility proposed to be
34 located within the permit area. Except as otherwise
35 provided in Division 19 (commencing with Section
36 21000), the environmental impact report shall be
37 completed within one year after receipt of the
38 application.

39 25523. If the siting proposal specified in the
40 application is proposed to be located in the coastal zone,

1 the commission shall transmit a copy of the application to
 2 the California Coastal Zone Conservation Commission
 3 for its review and comments.

4 25524. Upon receipt of an application, the commission
 5 shall forward the application to local governmental
 6 agencies having land use and related jurisdiction in the
 7 area of the proposed facility. Such local agencies shall
 8 review the application and submit comments on, among
 9 other things, the design of facility, architectural and
 10 aesthetic features of the facility, access to highways,
 11 landscaping and grading, public use of lands in the area
 12 of the facility, and other appropriate aspects of the
 13 design, construction, or operation of the proposed
 14 facility.

15 25525. Upon receipt of an application, the commission
 16 shall cause a summary of the application to be published
 17 in a newspaper of general circulation in the county in
 18 which the facility, or any part thereof, designated in the
 19 application, is proposed to be located. The commission
 20 shall transmit a copy of the application to each federal
 21 and state agency having jurisdiction or special interest in
 22 matters pertinent to the proposed facility, and to the
 23 Attorney General.

24 25526. Upon completion of the environmental impact
 25 report on the application, but not earlier than three
 26 months and not later than one year after receipt of the
 27 application, the commission shall conduct at least one
 28 public hearing in the county in which the facility, or any
 29 part thereof, designated in the application is proposed to
 30 be located.

31 Any person may participate, to the extent deemed
 32 reasonable and relevant by the presiding member of the
 33 commission, in such hearing or hearings.

34 25527. Within three months, but not later than nine
 35 months after completion of the hearing or hearings on
 36 the application, the commission shall issue a written
 37 decision on the application. The decision shall include all
 38 of the following:

39 (a) Findings regarding the conformity of the proposed
 40 facility with the 10-year forecast of state and service area

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1 electric power demands adopted pursuant to subdivision
2 (b) of Section 25309.

3 (b) Findings regarding the conformity of the
4 proposed facility to public safety standards and the
5 applicable air and water quality standards; and other
6 local, regional, state, and federal standards, ordinances, or
7 laws;

8 (c) Specific provisions relating to the manner in which
9 the proposed facility is to be designed, sited, and
10 operated in order to protect environmental quality and
11 assure public health and safety.

12 (d) The commission's decision on issuance or denial of
13 the certification for any facility contained in the
14 application;

15 25528. The commission shall not certify any facility
16 contained in the application, unless its findings with
17 respect to subdivision (a) of Section 25527 are in the
18 affirmative;

19 25529. The commission shall not certify any facility
20 contained in the application when it finds that the facility
21 does not conform with the findings of subdivision (b) of
22 Section 25527, unless the commission determines that
23 such facility is required for public convenience and
24 necessity and that there are not more prudent and
25 feasible means of achieving such public convenience and
26 necessity. In no event shall the commission make any
27 finding in conflict with applicable federal law or
28 regulation;

29 25530. The commission shall not certify any facility
30 contained in the application which is proposed to be
31 located in whole or in part within the permit area unless
32 a permit for the facility has been obtained from an
33 appropriate regional coastal zone conservation
34 commission, or the California Coastal Zone Conservation
35 Commission on appeal. Approval of a permit by any
36 regional coastal zone conservation commission, or the
37 California Coastal Zone Conservation Commission on
38 appeal, however, shall not effect the authority of the
39 commission to deny certification for any facility
40 contained in the application, as provided in this division.

1 25531. The commission shall not certify any facility
2 contained in the application which is proposed to be
3 located in any state, regional, county, or city park or any
4 other area under the jurisdiction of a public agency and
5 managed for wildlife protection, recreation, historic
6 preservation, or scientific study.

7 25532. The commission shall require, as a condition of
8 certification of any facility contained in the application,
9 that any city, city and county, or county, proposing to site
10 a facility in another city, city and county, or county, or
11 any district or other public agency proposing to site a
12 facility outside its district or the boundaries of its
13 jurisdiction, shall provide for an annual payment in lieu
14 of property taxes on such site to such city, city and county,
15 or county. The amount of such payment shall be
16 determined by the State Board of Equalization.

17 25533. The commission shall require, as a condition of
18 certification of any facility contained in the application,
19 that the applicant acquire development rights of lands in
20 the area of the proposed facility which, as the commission
21 determines, are necessary to control future population
22 growth and land use in the interests of public health and
23 safety.

24 25534. When a facility is proposed to be located in the
25 coastal zone or any other area with recreational, scenic,
26 or historic value, the commission shall require, as a
27 condition of certification of any facility contained in the
28 application, that an area be established for public use, as
29 determined by the commission. Lands within such area
30 shall be acquired and maintained by the applicant and
31 shall be available for public access and use, subject to
32 restrictions required for security and public safety. The
33 commission shall also require that any facility to be
34 located along the coast or shoreline of any major water
35 body be set back from the shoreline to permit reasonable
36 public use and to protect scenic and aesthetic values.

37 25535. If a certification of any facility contained in the
38 application is denied, the commission shall require that
39 any onsite improvements be removed and the site be
40 restored as determined by the commission to be

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1 necessary to preserve and protect environmental
2 resources:

3 25536. The commission may amend the conditions of,
4 or revoke the certification for, any facility for any of the
5 following reasons:

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

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

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

16 25537. The commission shall establish a monitoring
17 system to assure that any facility certified under this
18 division is constructed and is operating in compliance
19 with air and water quality, public health and safety, and
20 other applicable regulations, guidelines, and conditions
21 adopted or established by the commission or specified in
22 the written decision on the application. In designing and
23 operating the monitoring system, the commission shall
24 seek cooperation and assistance of the State Air
25 Resources Board, the State Water Resources Control
26 Board, the Department of Health, and other state,
27 regional, and local agencies which have interest in
28 environmental control.

29 25538. Pending completion of the state and service
30 area forecasts of electric power demands specified in
31 Section 25309, the commission shall accept and process
32 notices and applications as provided in this section.
33 During this period, the commission may utilize, for
34 purposes of determining the acceptability of siting
35 proposals as provided in subdivision (a) of Section 25518,
36 the 5/ and 10/year forecasts of loads and resources
37 prepared annually by the Public Utilities Commission.
38 However, the commission may not certify any facility
39 contained in the application until it has independently
40 prepared and adopted forecasts and assessments of

1 demand and reviewed proposed facilities in relation
2 thereto as specified in Section 25527.

3 25529. Upon approval of an application, the
4 commission shall forward to the Atomic Energy
5 Commission, the Environmental Protection Agency, and
6 to other appropriate federal agencies, the results of its
7 studies including the environmental impact report on the
8 facility, the written decision on the facility contained in
9 the application, and the commission's determination of
10 facility safety and reliability as provided in Section 25511.

11 25540. All payments made pursuant to this chapter
12 are an integral part of the cost of the proposed facility for
13 all purposes including, but not limited to, the rate base of
14 the applicant.

15
16 CHAPTER 7. RESEARCH AND DEVELOPMENT
17

18 25600. The commission shall carry on a program of
19 research and development of energy resources, and shall
20 give priority to those forms of research and development
21 which will have unique benefits to the state, including,
22 but not limited to, methods of energy conservation
23 specified in Chapter 5 (commencing with Section 25400),
24 increased efficient uses of existing thermal electric and
25 hydroelectric powerplants, increased efficiencies in
26 designs of fossil fuel and hydroelectric powerplants, and
27 other measures specified in Section 25602. Such program
28 may include research and development in energy supply
29 and demand and the technology of siting facilities.

30 25601. Beginning with the 1976/77 fiscal year, the
31 commission shall each year submit to the Governor for
32 inclusion in the state budget an integrated program of
33 proposed research and development projects including
34 the priority items established in Sections 25600 and 25602.
35 The commission shall describe the objectives and
36 anticipated end product of each project, funding and staff
37 requirements, timing, and other information which is
38 necessary to adequately describe the projects. As part of
39 such submittal, the commission shall describe the
40 progress of its programs.

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1 25602. In addition to measures to conserve energy
2 resources specified in Sections 25400 and 25600, the
3 commission shall give priority in its research and
4 development program to those problems which are of
5 particular relevance to this state, including, but not
6 limited to, all of the following:

7 (a) Exploration and accelerated development of
8 alternative sources of energy, including geothermal and
9 solar resources.

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

12 (c) New technology related to coastal and offshore
13 siting of facilities.

14 (d) Expanded use of wastewater and other
15 advancements in powerplant cooling.

16 (e) Improved methods of power transmission to
17 permit interstate and interregional transfer and
18 exchange of bulk electric power.

19 (f) Measures to reduce wasteful and inefficient uses of
20 energy.

21 (g) Implications for energy consumption of shifts in
22 transportation modes.

23 (h) Methods of recycling, extracting, processing,
24 fabricating, handling, or disposing of materials, especially
25 metals which require large commitments of energy for
26 extraction and manufacturing.

27 (i) The effect of expanded recycling of materials on
28 energy consumption.

29 (j) Improved methods of energy demand forecasting.

30 25603. The commission shall carry out technical
31 assessment studies on all forms of energy and energy
32 related problems, in order to influence federal research
33 and development priorities and to be informed on future
34 energy options, including, but not limited to, advanced
35 nuclear cycles, fusion, fuel cells, and the total energy
36 concepts. Such assessments may also be conducted in
37 order to determine which energy systems among
38 competing technologies are most compatible with health
39 and safety standards established pursuant to Chapter 4
40 (commencing with Section 25300) of this division.

1 The commission shall in cooperation with other state
 2 agencies, undertake, for research purposes, the design,
 3 construction, and operation of low/energy buildings using
 4 data developed pursuant to Section 25401, in order to
 5 demonstrate the economic and technical feasibility of
 6 such designs.

7 25604. For purposes of carrying out the provisions of
 8 this chapter, the commission may contract with any
 9 person for materials and services that cannot be
 10 performed by its staff or other state agencies, and may
 11 apply for federal grants or any other funding.

12
 13 CHAPTER 8. EMERGENCY POWERS
 14

15 25700. The commission shall, in accordance with the
 16 provisions of this chapter, restrict the use of, or limit the
 17 availability of, electrical or other forms of energy to avoid
 18 impending serious shortages of electrical energy or fossil
 19 fuel supplies and to protect the public health, safety, and
 20 welfare.

21 25701. (a) Within six months after the effective date
 22 of this division, each electric utility, person supplying
 23 natural gas, and fuel manufacturer in the state shall
 24 prepare and submit to the commission a proposed
 25 emergency load curtailment program plan or emergency
 26 distribution plan setting forth proposals for identifying
 27 priority loads or users in the event of a sudden and serious
 28 shortage of fuels or interruption in electrical capacity.

29 (b) The commission shall encourage electric utilities
 30 to jointly cooperate in preparation of an emergency load
 31 curtailment program plan or emergency distribution
 32 plan. If such a cooperative plan is developed between two
 33 or more electric utilities, such utilities may submit such
 34 joint plans to the commission in place of individual plans
 35 required by subdivision (a) of this section.

36 25702. The commission shall review the emergency
 37 load curtailment program plans or emergency
 38 distribution plans submitted pursuant to Section 25701,
 39 and, within one year after the effective date of this
 40 division, the commission shall adopt an Emergency Load

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1 Curtailment and Energy Distribution Plan: The plan
2 shall be based upon the plans presented by the electric
3 utilities persons supplying natural gas, fuel
4 manufacturers, and independent analysis and study by
5 the commission.

6 25703. After the adoption of the plan, each electric
7 utility, person supplying natural gas, and fuel
8 manufacturers shall, in the event of serious sudden
9 shortage of electrical energy or any fuel, carry out the
10 responsibilities specified in the plan.

11 25704. Within four months after the date of
12 certification of any new facility, the commission shall
13 review and revise the plan based on additional new
14 capacity attributed to any such facility.

15 25705. The commission shall carry out studies to
16 determine if potential serious shortages of electrical, gas,
17 or other sources of energy are likely to occur. If the
18 commission finds that a serious shortage of electrical
19 energy or any fuels, including petrochemicals, is probable
20 in the state or any part of the state, the commission may
21 take any of the following actions:

22 (a) Recommend to the Public Utilities Commission
23 changes in the rates or rate schedule for electrical power
24 and natural gas.

25 (b) Require that electric utilities restrict new service
26 connections.

27 (c) Allocate electrical energy and fuels among users to
28 assure that critical energy needs are supplied.

30 CHAPTER 9. STATE ENERGY RESOURCES
31 CONSERVATION AND DEVELOPMENT FUND

32
33 25800. There is hereby created the State Energy
34 Resources Conservation and Development Fund in the
35 State Treasury. On and after the effective date of this
36 division, each electric utility shall add a surcharge of
37 two-tenths of a mill ($\$0.0002$) per kilowatt hour to the cost
38 of electric power sold to consumers in the state.

39 25801. The Public Utilities Commission shall require
40 all electric utilities in the state to make quarterly

1 payments, commencing on January 1, of each year, to the
 2 State Treasurer of all funds received pursuant to this
 3 division, less administrative costs incurred in collecting
 4 and transferring such funds to the state. The amount of
 5 funds retained by any electric utility for administrative
 6 costs shall not exceed 1.5 percent of the total funds
 7 collected by any such utility.

8 25802. All the moneys received pursuant to the
 9 provisions of this division shall be deposited in the fund
 10 and shall be subject to state auditing procedure. The
 11 moneys in the fund shall be expended, without regard to
 12 fiscal years, for purposes of carrying out the provisions of
 13 this division, when appropriated by the Legislature.

14
 15 CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

16
 17 25900. Whenever the commission finds that any
 18 provision of this division is violated or a violation is
 19 threatening to take place which constitutes an
 20 emergency requiring immediate action to protect the
 21 public health, welfare, or safety, the Attorney General,
 22 upon request of the commission, shall petition a court to
 23 enjoin such violation. The court shall have jurisdiction to
 24 grant such prohibitory or mandatory injunctive relief as
 25 may be warranted by way of temporary restraining
 26 order, preliminary injunction, and permanent injunction.

27 25901. (a) Within 30 days after the commission issues
 28 its determination on the application for certification, any
 29 aggrieved person may file with the superior court a
 30 petition for a writ of mandate for review thereof. Failure
 31 to file such an action shall not preclude a person from
 32 challenging the reasonableness and validity of a decision
 33 in any judicial proceedings brought to enforce such
 34 decision for other civil remedies.

35 (b) The evidence before the court shall consist of the
 36 record before the commission, and any other relevant
 37 facts which, in the judgment of the court, should be
 38 considered in determining the validity of any decision of
 39 the commission.

40 (c) Except as otherwise provided herein, the

1 provisions of
 2 the Code of
 3 pursuant to
 4 SEC. 3.
 5 act that req
 6 the Revenue

- 1 provisions of subdivisions (e) and (f) of Section 1094.5 of
- 2 the Code of Civil Procedure shall govern proceedings
- 3 pursuant to this section.
- 4 SEC. 3. There are no state/mandated local costs in this
- 5 act that require reimbursement under Section 2164.3 of
- 6 the Revenue and Taxation Code.

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