

AMENDED IN SENATE APRIL 4, 1974
AMENDED IN SENATE MARCH 28, 1974
AMENDED IN SENATE FEBRUARY 19, 1974
AMENDED IN SENATE JANUARY 9, 1974
AMENDED IN ASSEMBLY AUGUST 6, 1973
AMENDED IN ASSEMBLY MAY 29, 1973

CALIFORNIA LEGISLATURE—1973-74 REGULAR SESSION

ASSEMBLY BILL

No. 1575

**Introduced by Assemblyman Warren
(Coauthor: Senator Alquist)**

April 25, 1973

REFERRED TO COMMITTEE ON GOVERNMENT ADMINISTRATION

An act to amend Section 21100 of, and to add Division 15 (commencing with Section 25000) to, the Public Resources Code, and to add Chapter 4.5 (commencing with Section 900) to Part 1 of Division 1 of the Public Utilities Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

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

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

Enacts the Warren-Alquist State Energy Resources Conservation and Development Act.

Declares legislative findings relating to energy resources.
Establishes the State Energy Resources Conservation and Development Commission and prescribes its membership, powers, and duties.

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

~~Provides for~~ Requires, with exceptions, that power facility and site sites and facilities, as defined, ~~certification~~ be certified by the commission, as prescribed.

Requires the commission to develop and coordinate a program of research and development in energy supply, consumption and conservation and the technology of siting facilities.

Provides for development of contingency plans to deal with possible shortages of electrical energy or fuel supplies.

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

~~Provides for interconnection of electrical facilities and transmission service, as defined, between public utilities to facilitate development of electric generating facilities that use a source of primary energy other than nuclear energy or fossil fuel.~~

Provides that there are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code.

To be operative January 7, 1975.

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

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

1 SECTION 1. Section 21100 of the Public Resources
2 Code is amended to read:
3 21100. All state agencies, boards, and commissions
4 shall prepare, or cause to be prepared by contract, and

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1 certify the completion of an environmental impact
2 report on any project they propose to carry out or
3 approve which may have a significant effect on the
4 environment. Such a report shall include a detailed
5 statement setting forth the following:

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

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

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

13 (d) Alternatives to the proposed action.

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

17 (f) Any irreversible environmental changes which
18 would be involved in the proposed action should it be
19 implemented.

20 (g) The growth-inducing impact of the proposed
21 action.

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

24

25 DIVISION 15. ENERGY CONSERVATION AND
26 DEVELOPMENT

27

28 CHAPTER 1. TITLE AND GENERAL PROVISIONS

29

30 25000. This division shall be known and may be cited
31 as the Warren-Alquist State Energy Resources
32 Conservation and Development Act.

33 25001. The Legislature hereby finds and declares that
34 electrical energy is essential to the health, safety and
35 welfare of the people of this state and to the state
36 economy, and that it is the responsibility of state
37 government to ensure that a reliable supply of electrical
38 energy is maintained at a level consistent with the need
39 for such energy for protection of public health and safety,
40 for promotion of the general welfare, and for

1 environmental quality protection.

2 25002. The Legislature further finds and declares that
3 the present rapid rate of growth in demand for electric
4 energy is in part due to wasteful, uneconomic, inefficient,
5 and unnecessary uses of power and a continuation of this
6 trend will result in serious depletion or irreversible
7 commitment of energy, land and water resources, and
8 potential threats to the state's environmental quality.

9 25003. The Legislature further finds and declares that
10 in planning for future electrical generating and related
11 transmission facilities state, regional, and local plans for
12 land use, urban expansion, transportation systems,
13 environmental protection, and economic development
14 should be considered.

15 25004. The Legislature further finds and declares that
16 there is a pressing need to accelerate research and
17 development into alternative sources of energy and into
18 improved technology of design and siting of power
19 facilities.

20 25005. The Legislature further finds and declares that
21 prevention of delays and interruptions in the orderly
22 provision of electrical energy, protection of
23 environmental values, and conservation of energy
24 resources require expanded authority and technical
25 capability within state government.

26 25006. It is the policy of the state and the intent of the
27 Legislature to establish and consolidate the state's
28 responsibility for energy resources, for encouraging,
29 developing, and coordinating research and development
30 into energy supply and demand problems, and for
31 regulating electrical generating and related transmission
32 facilities.

33 25007. It is further the policy of the state and the
34 intent of the Legislature to employ a range of measures
35 to reduce wasteful, uneconomical, and unnecessary uses
36 of energy, thereby reducing the rate of growth of energy
37 consumption, prudently conserve energy resources, and
38 assure statewide environmental, public safety, and land
39 use goals.

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CHAPTER 2. DEFINITIONS

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

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

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

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

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

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

- (a) The installation of environmental monitoring equipment.
- (b) A soil or geological investigation.
- (c) A topographical survey.
- (d) Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility.
- (e) Any work to provide access to a site for any of the purposes specified in subdivision (a), (b), (c), or (d).

25106. "Adviser" means the administrative adviser employed by the commission pursuant to Section 25217.

25107. "Electric transmission line" means any electric powerline carrying electric power from a thermal powerplant *located within the state* to a point of junction with any interconnected transmission system. "Electric transmission line" does not include any replacement on the existing site of existing electric powerlines with electric powerlines equivalent to such existing electric powerlines or the placement of new or additional conductors, insulators, or accessories related to such electric powerlines on supporting structures in existence

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1 on the effective date of this division or certified pursuant
2 to this division.

3 25108. "Electric utility" means any person engaged
4 in, or authorized to engage in, generating, transmitting,
5 or distributing electric power by any facilities, including,
6 but not limited to, any such person who is subject to the
7 regulation of the Public Utilities 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, or both electric transmission line
12 and thermal powerplant, regulated according to the
13 provisions of this division.

14 25111. "Account" means the State Energy Resources
15 Conservation and Development Special Account.

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

20 25113. "Notice" means the notice of intent, as further
21 defined in Chapter 6 (commencing with Section 25500),
22 which shall state the intention of an applicant to file an
23 application for certification of any site and related
24 facility.

25 25114. "Interested party" means any person whom
26 the commission finds and acknowledges as having a real
27 and direct interest in any proceeding or action carried
28 on, under, or as a result of the operation of, this division.

29 25115. "Permit area" means the "permit area" as
30 defined in Section 27104.

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

37 25117. "Plan" means the Emergency Load
38 Curtailment and Energy Distribution Plan.

39 25118. "Service area" means any contiguous
40 geographic area serviced by the same electric utility.

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1 25119. "Site" means any location on which a facility is
2 constructed or is proposed to be constructed.

3 25120. "Thermal powerplant" means any stationary
4 or floating electrical generating facility using any source
5 of thermal energy, with a generating capacity of 50
6 megawatts or more, and any facilities appurtenant
7 thereto.

8 25121. "Fuel" means petroleum, crude oil, petroleum
9 product, coal, natural gas, or any other substance used
10 primarily for its energy content.

11 25122. "Gas utility" means any person engaged in, or
12 authorized to engage in, distributing or transporting
13 natural gas, including, but not limited to, any such person
14 who is subject to the regulation of the Public Utilities
15 Commission.

16 25123. "Modification of an existing facility" means
17 any alteration, replacement, or improvement of
18 equipment that results in a 50-megawatt or more increase
19 in the electric generating capacity of an existing thermal
20 powerplant or an increase of 25 percent in the peak
21 operating voltage or peak kilowatt capacity of an existing
22 electric transmission line.

23
24 CHAPTER 3. STATE ENERGY RESOURCES
25 CONSERVATION AND DEVELOPMENT COMMISSION
26

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

31 25201. One member of the commission shall have a
32 background in the field of engineering or physical
33 science and have knowledge of energy supply or
34 conversion systems; one member shall be an attorney and
35 a member of the State Bar of California; one member
36 shall have background and experience in the field of
37 environmental protection or the study of ecosystems; one
38 member shall be an economist with background and
39 experience in the field of natural resource management;
40 and one member shall be from the public at large.

1 25202. The Secretary of the Resources Agency and
2 the President of the Public Utilities Commission shall be
3 ex officio, nonvoting members of the commission, whose
4 presence shall not be counted for a quorum or for vote
5 requirements.

6 25203. Each member of the commission shall
7 represent the state at large and not any particular area
8 thereof, and shall serve on a full-time basis.

9 25204. The Governor shall appoint the members of
10 the commission within 30 days after the effective date of
11 this division. The appointments to the commission shall
12 be confirmed unless the appointment is rejected by a
13 majority vote of all the members of either the Assembly
14 or the Senate within 60 days from the date of
15 appointment by the Governor. Action by either house to
16 reject any appointment shall cause a vacancy in the office
17 to which the appointment was made, and the Governor
18 shall, within 30 days, make another appointment.

19 25205. (a) No person shall be a member of the
20 commission who, during the two years prior to
21 appointment on the commission, received any substantial
22 portion of his income directly or indirectly from any
23 electric utility, or who engages in sale or manufacture of
24 any major component of any facility. No member of the
25 commission shall be employed by any electric utility,
26 applicant, or, within two years after he ceases to be a
27 member of the commission, by any person who engages
28 in the sale or manufacture of any major component of any
29 facility.

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

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

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

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

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

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

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

31 25206. The terms of office of the members of the
32 commission shall be for five years, except that the
33 members first appointed to the commission shall classify
34 themselves by lot so that the term of office of one
35 member shall expire at the end of each of the five years
36 following the effective date of this division. Any vacancy
37 shall be filled by the Governor within 30 days of the date
38 on which a vacancy occurs for the unexpired portion of
39 the term in which it occurs or for any new term of office.

40 If the Governor fails to make an appointment for any

1 vacancy within such 30-day period, the Senate Rules
2 Committee may make the appointment to fill the
3 vacancy for the unexpired portion of the term in which
4 the vacancy occurred or for any new term of office,
5 subject to the confirmation as prescribed by Section
6 25204.

7 25207. The members of the commission shall receive
8 an annual salary as prescribed by Section 11552 of the
9 Government Code.

10 Each member of the commission shall receive the
11 necessary traveling and other expenses incurred in the
12 performance of his official duties. When necessary, the
13 members of the commission and its employees may travel
14 within or without the state.

15 25208. Before entering upon the duties of his office
16 each member of the commission shall execute an official
17 bond to the state in the penal sum of twenty-five
18 thousand dollars (\$25,000), conditioned upon the faithful
19 performance of his duties.

20 25209. Each member of the commission shall have
21 one vote. Except as provided in Section 25211, the
22 affirmative votes of at least three members shall be
23 required for the transaction of any business of the
24 commission.

25 25210. The commission may hold any hearings and
26 conduct any investigations in any part of the state
27 necessary to carry out its powers and duties prescribed by
28 this division and for such purposes has the same powers
29 as is conferred upon heads of departments of the state by
30 Article 2 (commencing with Section 11180) of Chapter 2,
31 Part 1, Division 3, Title 2 of the Government Code.

32 25211. The commission may appoint a committee of
33 not less than two members of the commission to carry on
34 investigations, inquiries, or hearings which the
35 commission has power to undertake or to hold. Every
36 order made by such committee pursuant to such inquiry,
37 investigation, or hearing, when approved or confirmed
38 by the commission and ordered filed in its office, shall be
39 the order of the commission.

40 25212. Every two years the Governor shall designate

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1 a chairman and vice chairman of the commission from
2 among its members.

3 25213. The commission shall adopt rules and
4 regulations, as necessary, to carry out the provisions of
5 this division in conformity with the provisions of Chapter
6 4.5 (commencing with Section 11371) of Part 1, Division
7 3, Title 2 of the Government Code. The commission shall
8 make available to any person upon request copies of
9 proposed regulations, together with summaries of
10 reasons supporting their adoption.

11 25214. The commission shall maintain its
12 headquarters in the City of Sacramento and may establish
13 branch offices in such parts of the state as the commission
14 deems necessary. The commission shall hold meetings at
15 such times and at such places as shall be determined by
16 it. All meetings and hearings of the commission shall be
17 open to the public, and opportunity to be heard with
18 respect to the subject of the hearings shall be afforded to
19 any person. Upon request, an interested party may be
20 granted reasonable opportunity to examine any witness
21 testifying at the hearing. The first meeting of the
22 commission shall be held within 30 days after the
23 confirmation of the last member of the commission
24 pursuant to Section 25204. The Governor shall designate
25 the time and place for the first meeting of the
26 commission.

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

32 25216. In addition to other duties specified in this
33 division, the commission shall do all of the following:

34 (a) Undertake a continuing assessment of trends in
35 the consumption of electrical energy and other forms of
36 energy and analyze the social, economic, and
37 environmental consequences of these trends; carry out
38 directly, or cause to be carried out, energy conservation
39 measures specified in Chapter 5 (commencing with
40 Section 25400) of this division; and recommend to the

1 Governor and the Legislature new and expanded energy
2 conservation measures as required to meet the objectives
3 of this division.

4 (b) Collect from electric utilities, gas utilities, and fuel
5 producers and wholesalers and other sources forecasts of
6 future supplies and consumption of all forms of energy,
7 including electricity, and of future energy or fuel
8 production and transporting facilities to be constructed;
9 independently analyze such forecasts in relation to
10 statewide estimates of population, economic, and other
11 growth factors and in terms of the availability of energy
12 resources, costs to consumers, and other factors; and
13 formally specify statewide and service area electrical
14 energy demands to be utilized as a basis for planning the
15 siting and design of electric power generating and
16 related facilities.

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

25 25216.3. (a) The commission shall compile relevant
26 local, regional, state, and federal land use, public safety,
27 environmental, and other standards to be met in
28 designing, siting, and operating facilities in the state;
29 except as provided in subdivision (d) of Section 25402,
30 adopt standards, except for air and water quality, to be
31 met in designing or operating facilities to safeguard
32 public health and safety, which may be different from or
33 more stringent than those adopted by local, regional, or
34 other state agencies, or by any federal agency if
35 permitted by federal law; and monitor compliance and
36 ensure that all facilities are operated in accordance with
37 this division.

38 (b) The local, regional, and other state agencies shall
39 advise the commission as to any change in its standards,
40 ordinances, or laws which are pertinent and relevant to

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1 the objective of carrying out the provisions of this
2 division.

3 25216.5. The commission shall do all of the following:

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

11 (b) Prepare an integrated plan specifying actions to
12 be taken in the event of an impending serious shortage
13 of energy, or a clear threat to public health, safety, or
14 welfare.

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

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

27 25217. The commission shall do all of the following:

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

31 (b) Appoint an administrative adviser, to serve at the
32 pleasure of the commission, who shall be an attorney
33 admitted to practice law in this state, and who shall carry
34 out the provisions of Section 25222, as well as other duties
35 prescribed by the commission.

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

39 25217.5. The chairman of the commission shall direct
40 the adviser, the executive director, and other staff in the

1 performance of their duties in conformance with the
2 policies and guidelines established by the commission.

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

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

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

10 (c) Be sued and sue.

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

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

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

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

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

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

40 25221. Upon request of the commission, the Attorney

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1 General shall represent the commission and the state in
2 litigation concerning affairs of the commission, unless the
3 Attorney General represents another state agency, in
4 which case the commission shall be authorized to employ
5 other counsel.

6 25222. The adviser shall insure that full and adequate
7 participation by all interested groups and the public at
8 large is secured in the planning, site and facility
9 certification, energy conservation, and emergency
10 allocation procedures provided in this division. The
11 adviser shall insure that timely and complete notice of
12 commission meetings and public hearings is disseminated
13 to all interested groups and to the public at large. The
14 adviser shall also advise such groups and the public as to
15 effective ways of participating in the commission's
16 proceedings. The adviser shall recommend to the
17 commission additional measures to assure open
18 consideration and public participation in energy
19 planning, site and facility certification, energy
20 conservation, and emergency allocation proceedings.

21 25223. The commission shall make available any
22 information filed or submitted pursuant to this division
23 under the provisions of the California Public Records Act,
24 Chapter 3.5 (commencing with Section 6250) of Division
25 7, Title 1 of the Government Code.

26 25224. The commission and other state agencies shall,
27 to the fullest extent possible, exchange records, reports,
28 material, and other information relating to energy
29 resources and conservation and power facilities siting, or
30 any areas of mutual concern, to the end that unnecessary
31 duplication of effort may be avoided.

32

33 CHAPTER 4. PLANNING AND FORECASTING

34

35 25300. Every electric utility in the state shall prepare
36 and transmit to the commission within one year after the
37 effective date of this division, and every two years
38 thereafter, a report specifying 5-, 10-, and 20-year
39 forecasts or assessments of loads and resources for its
40 service area. The report shall set forth the facilities which,

1 as determined by the electric utility, will be required to
2 supply electric power during the forecast or assessment
3 periods. The report shall be in a form specified by the
4 commission and shall include all of the following:

5 (a) A tabulation of estimated peak loads, resources,
6 and reserve margins for each year during the 5- and
7 10-year forecast or assessment periods, and an estimate of
8 peak load, resources, and reserve margins for the last year
9 in the 20-year forecast or assessment period.

10 (b) A list of existing electric generating plants in
11 service, with a description of planned and potential
12 generating capacity at existing sites.

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

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

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

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

34 (g) A description of projected population growth,
35 urban development, industrial expansion, and other
36 growth factors influencing increased demand for electric
37 energy and the bases for such projections.

38 25301. The commission shall establish and every
39 electric utility shall utilize, for purposes of the report, a
40 common methodology for preparing forecasts of future

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1 loads and resources. After applying the commission's
2 established methodology to the mandatory elements of
3 the report specified in Section 25300, any electric utility
4 may transmit to the commission supplementary
5 information and forecasts based upon an alternative
6 methodology. If such alternate methodology is employed,
7 the electric utility shall fully describe the data and other
8 components of the methodology, and shall specify the
9 reasons why the approach is considered more accurate
10 than that established by the commission.

11 25302. Upon receipt of a report required under
12 Section 25300 from an electric utility, the commission
13 shall forward copies thereof to the Legislature, the Public
14 Utilities Commission, the Secretary of the Resources
15 Agency, the Director of the Office of Planning and
16 Research, and other concerned state and federal
17 agencies. The report shall also be made available, at cost,
18 to any person upon request. The commission shall also
19 forward copies of the report to each city and county
20 within the service area covered by the report, and shall
21 request that the city and county review and comment on
22 the report in relation to estimates of population growth
23 and economic development, patterns of land use and
24 open space, and and conservation and other appropriate
25 elements of the adopted city or county general plan. A
26 copy of the report shall be maintained on file for public
27 inspection in each county.

28 25303. For a period of four months after the receipt of
29 the reports required under Section 25300 the commission
30 shall receive the comments of any person on the reports.
31 Within such period, the Public Utilities Commission shall
32 submit its independent evaluation and analysis of the
33 reports to the commission.

34 25304. The commission shall review and evaluate the
35 electric utilities' forecasts of loads and resources, and the
36 comments of the Public Utilities Commission on such
37 forecasts, in relation to the population growth estimates
38 prepared by the Department of Finance, Population
39 Research Unit, and in relation to statewide and regional
40 land use, transportation, and economic development

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

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

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

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

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

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

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

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

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

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

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1 conservation policies and actions.

2 (d) Identification, on a statewide and service area
3 basis, of required electric facilities consistent with the
4 anticipated level of demand, both before and after
5 consideration of the possible impacts of recommended
6 conservation measures.

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

15 25306. The commission shall distribute the report
16 required under Section 25305 to the same persons, and
17 under the same conditions, as prescribed in Section
18 25302.

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

27 25308. Within 12 months after receipt of the reports
28 required in Section 25300, the commission shall include
29 within its biennial report to the Governor and the
30 Legislature, as specified in Section 25309, its final report
31 on the accuracy and acceptability of the electric utilities'
32 forecasts and on the commission's independent analyses
33 and evaluations, as specified in Section 25305.

34 25309. Beginning January 1, 1977, and every two years
35 thereafter, the commission shall transmit to the Governor
36 and the Legislature a comprehensive report designed to
37 identify emerging trends related to energy supply,
38 demand, and conservation and public health and safety
39 factors, to specify the level of statewide and service area
40 electrical energy demand for each year in the

1 forthcoming 5-, 10-, and 20-year periods, and to provide
2 the basis for state policy and actions in relation thereto,
3 including, but not limited to, approval of new sites for
4 additional facilities. The report shall include, but not be
5 limited to, all of the following:

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

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

27 (c) The anticipated level of statewide and service area
28 electrical energy demand for 20 years, which shall serve
29 as the basis for recommendations by the commission to
30 the Governor, the Legislature, and other appropriate
31 public and private agencies in the following:

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

37 (d) A list, including maps, of existing electrical power
38 generating sites, indicating those where the commission
39 has determined that expansion is feasible within the
40 forthcoming 10-year period.

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

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

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

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

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

40 (j) Description of the commission's adopted plan for

1 emergency measures to be applied in the event of
2 impending serious shortage of electrical and other forms
3 of energy as provided in Chapter 8 (commencing with
4 Section 25700) of this division.

5 (k) Recommendations to the Governor and the
6 Legislature for administrative and legislative actions
7 based on the results of commission studies and
8 evaluations as specified in this section and in Chapter 5
9 (commencing with Section 25400).

10 (l) A list, including maps, of sites and potential
11 multiple facility sites which have been found to be
12 acceptable by the commission pursuant to Sections 25516
13 and 25516.5, including the generating capacity to be
14 installed at the site and the type of fuel and other general
15 characteristics of the facilities at such sites.

16
17 CHAPTER 5. ENERGY RESOURCES CONSERVATION

18
19 25400. The commission shall conduct an ongoing
20 assessment of the opportunities and constraints
21 presented by all forms of energy. The commission shall
22 encourage the balanced use of all sources of energy to
23 meet the state's needs and shall seek to avoid possible
24 undesirable consequences of reliance on a single source
25 of energy.

26 25401. The commission shall continuously carry out
27 studies, research projects, data collection, and other
28 activities required to assess the nature, extent, and
29 distribution of energy resources to meet the needs of the
30 state, including but not limited to, fossil fuels and solar,
31 nuclear, and geothermal energy resources. It shall also
32 carry out studies, technical assessments, research
33 projects, data collection and other activities directed to
34 reducing wasteful, inefficient, unnecessary, or
35 uneconomic uses of energy, including, but not limited to,
36 all of the following:

- 37 (a) Pricing of electricity and other forms of energy.
- 38 (b) Improved building design and insulation.
- 39 (c) Restriction of promotional activities designed to
40 increase the use of electrical energy by consumers.

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1 (d) Improved appliance efficiency.
2 (e) Advances in power generation and transmission
3 technology.

4 (f) Comparisons in the efficiencies of alternative
5 methods of energy utilization.

6 The commission shall survey pursuant to this section all
7 forms of energy on which to base its recommendations to
8 the Governor and Legislature for elimination of waste or
9 increases in efficiency for sources or uses of energy. The
10 commission shall transmit to the Governor and the
11 Legislature, as part of the biennial report specified in
12 Section 25309, recommendations for state policy and
13 actions for the orderly development of all potential
14 sources of energy to meet the state's needs, including, but
15 not limited to, fossil fuels and solar, nuclear, and
16 geothermal energy resources, and to reduce wasteful and
17 inefficient uses of energy.

18 25402. Within 18 months after the effective date of
19 this division, the commission shall, after one or more
20 public hearings, do all of the following, in order to reduce
21 the wasteful, uneconomic, inefficient, or unnecessary
22 consumption of energy:

23 (a) Prescribe, by regulation, lighting, insulation,
24 climate control systems, and other building design and
25 construction standards which increase the efficient use of
26 energy. Such standards shall be economically feasible in
27 that the resultant savings in energy procurement costs
28 shall be greater than the cost of the energy conserving
29 requirements amortized over the economic life of the
30 building. In prescribing standards for insulation, the
31 commission shall take into consideration the standards
32 developed pursuant to Chapter 11 (commencing with
33 Section 19870) of Part 3, Division 13 of the Health and
34 Safety Code. No city, county, city and county, or state
35 agency shall approve any building permit unless the
36 standards prescribed by the commission pursuant to this
37 section are satisfied.

38 (b) Recommend per unit energy requirement
39 allotments based on square footage for various classes of
40 buildings which would reduce the growth rate of

1 electrical energy consumption and which are technically
 2 feasible and will provide adequate safeguards for public
 3 health, safety, and welfare. No city, county, city or
 4 county, or state agency shall issue any permit for the
 5 construction of any building unless the applicant certifies
 6 that consideration has been given to such energy
 7 requirement allotments, which certification shall include
 8 a statement specifying the extent to which conformance
 9 with the relevant recommended allotment will be
 10 achieved.

11 (c) By regulation, prescribe standards for minimum
 12 levels of operating efficiency, based on a reasonable use
 13 pattern, for all appliances whose use, as determined by
 14 the commission, requires a significant amount of energy
 15 on a statewide basis. Such minimum levels of operating
 16 efficiency shall be based on feasible and attainable
 17 efficiencies or feasible improved efficiencies which will
 18 reduce the electrical energy consumption growth rate.
 19 One year after the date of the adoption of such standards,
 20 no new appliance may be purchased in the state which
 21 is not certified by the manufacturer thereof to be in
 22 compliance with such standards. Such standards shall be
 23 drawn so that they do not result in any added total costs
 24 to the consumer over the designed life of the appliances
 25 concerned.

26 (d) Recommend minimum standards of efficiency for
 27 the operation of any new facility at a particular site which
 28 are technically and economically feasible. No site and
 29 related facility shall be certified pursuant to Chapter 6
 30 (commencing with Section 25500) of this division, unless
 31 the applicant certifies that standards recommended by
 32 the commission have been considered, which
 33 certification shall include a statement specifying the
 34 extent to which conformance with the recommended
 35 standards will be achieved.

36 25403. The commission shall submit to the Public
 37 Utilities Commission and to any publicly owned electric
 38 utility, recommendations designed to reduce wasteful,
 39 unnecessary, or uneconomic energy consumption
 40 resulting from practices including, but not limited to,

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 22 25500. In acc
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1 differential rate structures, cost-of-service allocations, the
2 disallowance of a business expense of advertising or
3 promotional activities which encourage the use of
4 electrical power, peakload pricing, and other pricing
5 measures. The Public Utilities Commission or publicly
6 owned electric utility shall review and consider such
7 recommendations and shall, within six months after the
8 date it receives them, as prescribed by this section, report
9 to the Governor and the Legislature its actions and
10 reasons therefor with respect to such recommendations.

11 25404. The commission shall cooperate with the
12 Office of Planning and Research, the Resources Agency
13 and other interested parties in developing procedures to
14 ensure that mitigation measures to minimize wasteful,
15 inefficient, and unnecessary consumption of energy are
16 included in all environmental impact reports required on
17 local projects as specified in Section 21151.

18
19 CHAPTER 6. POWER FACILITY AND SITE
20 CERTIFICATION
21

22 25500. In accordance with the provisions of this
23 division, the commission shall have the exclusive power
24 to certify all sites and related facilities in the state, except
25 for any site and related facility proposed to be located in
26 the permit area, whether a new site and related facility
27 or a change or addition to an existing facility. The
28 issuance of a certificate by the commission shall be in lieu
29 of any permit, certificate, or similar document required
30 by any state, local or regional agency, or federal agency
31 to the extent permitted by federal law, for such use of the
32 site and related facilities, and shall supersede any
33 applicable statute, ordinance, or regulation of any state,
34 local, or regional agency, or federal agency to the extent
35 permitted by federal law.

36 After the effective date of this division, no construction
37 of any facility or modification of any existing facility shall
38 be commenced without first obtaining certification for
39 any such site and related facility by the commission, as
40 prescribed in this division.

1 25500.5. The commission shall certify sufficient sites
2 and related facilities which are required to provide a
3 supply of electric power sufficient to accommodate the
4 demand projected in the most recent forecast of
5 statewide and service area electric power demands
6 adopted pursuant to subdivision (b) of Section 25309.

7 25501. The provisions of this division do not apply to
8 any site and related facility: (a) for which the Public
9 Utilities Commission has issued a certificate of public
10 convenience and necessity before the effective date of
11 this division; provided that such facility shall not provide
12 capacity on its planned operating date exceeding the
13 estimated number of megawatts of needed capacity for
14 the year of that planned operating date as stated in the
15 reports required under Section 2 of General Order 131 of
16 the Public Utilities Commission as of March 31, 1973; or,
17 (b) for which an application for a certificate of public
18 convenience and necessity is on file with the Public
19 Utilities Commission by the effective date of this division
20 and for which construction is planned to commence and
21 shall have commenced within three years from the
22 effective date of this division; provided that such planned
23 construction shall not create capacity on its planned
24 operating date exceeding the estimated number of
25 megawatts of needed capacity for the year of that
26 planned operating date as stated in the reports required
27 under Section 2 of General Order 131 of the Public
28 Utilities Commission as of March 31, 1973.

29 25501.3. The provisions of this division shall not apply
30 to any site and related facility for which a certificate of
31 public convenience and necessity from the Public
32 Utilities Commission is not required and for which
33 construction is planned to commence and shall have
34 commenced within three years from the effective date of
35 this division provided that such planned construction
36 shall not create capacity on its planned operating date
37 exceeding the estimated number of megawatts of needed
38 capacity for the year of that planned operating date as
39 stated in the reports submitted under Section 2 of
40 General Order 131 of the Public Utilities Commission as

1 of March 31, 1973.
2 25501.5. In
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5 necessity is required
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8 Utilities Commission
9 hearing record
10 (b) The capacity
11 supplied by the
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13 the Public Utilities
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18 recommendation
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21 following requirements
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31 Section 25501,
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36 Commission
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38 (b) The provisions
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1 of March 31, 1973.

2 **25501.5.** In the case of any site and related facility or
3 facilities not covered by the provisions of this division and
4 for which a certificate of public convenience and
5 necessity is required but has not been issued by the
6 Public Utilities Commission, the following shall apply:

7 (a) On the completion of the hearing, the Public
8 Utilities Commission shall supply the commission with its
9 hearing record.

10 (b) The commission shall review the information
11 supplied by the Public Utilities Commission and shall,
12 within 90 days after it receives such information, advise
13 the Public Utilities Commission and the applicant of the
14 recommendation of the commission that the certificate of
15 public convenience and necessity be denied, approved,
16 or approved subject to specified conditions. There shall
17 be a rebuttable presumption in favor of the commission's
18 recommendation.

19 *25501.* The provisions of this chapter do not apply to
20 any site and related facility which meets either of the
21 following requirements:

22 (a) For which the Public Utilities Commission has
23 issued a certificate of public convenience and necessity
24 before the effective date of this division.

25 (b) For which construction is planned to commence
26 within three years from the effective date of this division.

27 **25501.3.** A proposed site and related facility shall be
28 deemed to be one for which construction is planned to
29 commence within three years from the effective date of
30 this division within the meaning of subdivision (b) of
31 Section 25501, if all of the following are satisfied:

32 (a) The planned operating date and the planned
33 capacity are consistent with the forecast of electric loads
34 either set forth in a report submitted under Sections 2
35 and 3 of General Order 131 of the Public Utilities
36 Commission as of March 31, 1974, or otherwise disclosed
37 in a report of a public agency as of March 31, 1974.

38 (b) The need to commence construction within three
39 years from the effective date of this division is reasonably
40 related to the planned operating date of such site and

1 related facility.
 2 (c) Substantial funds have been expended or
 3 committed for planning, site investigations, site
 4 acquisition, or equipment procurement for such site and
 5 related facility prior to the effective date of this division.
 6 25501.5. The Legislature finds and declares that the
 7 following proposed sites and facilities with the associated
 8 estimated generating capacities meet the requirements
 9 of subdivision (b) of Section 25501:
 10 (a) As designated in the report of the Pacific Gas and
 11 Electric Company submitted to the Public Utilities
 12 Commission on March 1, 1974, in response to Sections 2
 13 and 3 of General Order 131 of the Public Utilities
 14 Commission, three gas turbine powerplants, each having
 15 a generating capacity of 52 megawatts, commonly known
 16 as Potrero Unit 4, Potrero Unit 5 and Potrero Unit 6, to
 17 be located in the City and County of San Francisco; a gas
 18 turbine powerplant having a generating capacity of 52
 19 megawatts, commonly known as Hunters Point Unit 1, to
 20 be located in the City and County of San Francisco; a gas
 21 turbine powerplant having a generating capacity of 200
 22 megawatts, commonly known as Station C; a geothermal
 23 powerplant having a generating capacity of 106
 24 megawatts, commonly known as Geysers Unit 12, to be
 25 located in Sonoma County; a geothermal powerplant
 26 having a generating capacity of 110 megawatts,
 27 commonly known as Geysers Unit 14, to be located in
 28 Sonoma County; a geothermal powerplant having a
 29 generating capacity of 55 megawatts, commonly known
 30 as Geysers Unit 15, to be located in Sonoma County; a
 31 geothermal powerplant having a generating capacity of
 32 135 megawatts, commonly known as Geysers Unit 13, to
 33 be located in Lake County; a geothermal powerplant
 34 having a generating capacity of 110 megawatts, planned
 35 for operation in 1978, to be located in Sonoma County or
 36 Lake County; a geothermal powerplant having a
 37 generating capacity of 110 megawatts, planned for
 38 operation in 1979, to be located in Sonoma County or
 39 Lake County; a combined-cycle powerplant having a
 40 generating capacity of 800 megawatts, commonly known

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1 as Thermal 78, to be located in Contra Costa County near
2 the City of Pittsburg; two combined-cycle powerplants,
3 each having a generating capacity of 800 megawatts,
4 commonly known as Thermal 79 and Thermal 81, to be
5 located in Contra Costa County or Solano County; and a
6 nuclear powerplant having a generating capacity of 1,100
7 megawatts, commonly known as Nuclear A to be located
8 in Region 1, as shown on page 27 of the report of the
9 Pacific Gas and Electric Company submitted March 1,
10 1974, in response to Sections 2 and 3 of General Order 131
11 of the Public Utilities Commission, or at the location
12 commonly known as Diablo Canyon in San Luis Obispo
13 County.

14 (b) As described in the report of the Southern
15 California Edison Company submitted to the Public
16 Utilities Commission on March 8, 1974, in response to
17 Sections 2 and 3 of General Order 131 of the Public
18 Utilities Commission, two combined-cycle powerplants,
19 each with a generating capacity of 236 megawatts,
20 commonly known as Cool Water Unit 3 and Cool Water
21 Unit 4, to be located in San Bernardino County; six
22 combined-cycle powerplants, each having a generating
23 capacity of 236 megawatts, commonly known as
24 Huntington Beach Unit 6, Huntington Beach Unit 7,
25 Huntington Beach Unit 8, Huntington Beach Unit 9,
26 Huntington Beach Unit 10 and Huntington Beach Unit
27 11, to be located in the City of Huntington Beach; three
28 combined-cycle powerplants, each with a generating
29 capacity of 414 megawatts, commonly known as Lucerne
30 Valley Unit 1, Lucerne Valley Unit 2 and Lucerne Valley
31 Unit 3, to be located in San Bernardino County; and two
32 nuclear powerplants, each having a generating capacity
33 of 760 megawatts, commonly known as the Desert
34 Nuclear Project.

35 (c) As described in the report of the San Diego Gas
36 and Electric Company submitted to the Public Utilities
37 Commission on March 22, 1974, in response to Sections 2
38 and 3 of General Order 131 of the Public Utilities
39 Commission, two gas turbine powerplants, each having a
40 generating capacity of 64 megawatts, commonly known

1 as South Bay Gas Turbine Unit 3 and South Bay Gas
 2 Turbine Unit 4, to be located in San Diego County; a
 3 fossil-fueled powerplant having a generating capacity of
 4 292 megawatts, commonly known as Encina Unit 5, to be
 5 located in San Diego County; a combined-cycle
 6 powerplant having a generating capacity of 404
 7 megawatts, planned for operation in 1979, to be located
 8 in San Diego County; and a nuclear powerplant having a
 9 generating capacity of 1,200 megawatts, commonly
 10 known as the Desert Nuclear Project, to be located in
 11 Riverside County.

12 (d) As described in the report of the Pacific Gas and
 13 Electric Company to the Public Utilities Commission
 14 submitted March 1, 1974, in response to Sections 2 and 3
 15 of the General Order 131 of the Public Utilities
 16 Commission, a gas turbine powerplant having a
 17 generating capacity of 150 megawatts, commonly known
 18 as SMUD Gas Turbines, to be located in Sacramento
 19 County; and a nuclear powerplant having a generating
 20 capacity of 1,100 megawatts, commonly known as Rancho
 21 Seco Unit 2, to be located in Sacramento County.

22 (e) As described in the report of the Department of
 23 Water and Power of the City of Los Angeles submitted to
 24 the Public Utilities Commission on March 18, 1974, in
 25 response to Sections 2 and 3 of General Order 131 of the
 26 Public Utilities Commission, a nuclear powerplant having
 27 a generating capacity of 1,300 megawatts, commonly
 28 known as the San Joaquin Nuclear Project, to be located
 29 in Kern County near the City of Wasco.

30 (f) Four geothermal powerplants, each having a
 31 generating capacity of 55 megawatts, presently planned
 32 to be constructed by the City of Burbank and to be
 33 located in Imperial County.

34 (g) Four geothermal powerplants, each having a
 35 generating capacity of 55 megawatts, presently planned
 36 to be constructed by the City of Burbank and located in
 37 Inyo County.

38 (h) Two geothermal powerplants, each having a
 39 generating capacity of 110 megawatts, presently planned
 40 to be constructed by the Northern California Power

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1 *Agency and located in Sonoma County.*
2 *Nothing in this section shall be construed to indicate*
3 *that the sites and facilities specified in this section are*
4 *approved by the Legislature. The inclusion of any site*
5 *and related facility in this section means that the*
6 *provisions of this chapter do not apply to any such site or*
7 *facility, to the extent that Section 25501.7 or 25502.3 is*
8 *made applicable, and that such site and related facility is*
9 *subject to any and all other provisions of law.*

10 *25501.7. Any person proposing to construct a facility*
11 *or a site to which Section 25501 applies may waive the*
12 *exclusion of such site and related facility from the*
13 *provisions of this chapter by submitting to the*
14 *commission a notice to that effect on or after July 1, 1976,*
15 *and any and all of the provisions of this chapter shall*
16 *apply to the construction of such facility.*

17 *25502. Each person proposing to construct a thermal*
18 *powerplant or electric transmission line on a site shall*
19 *submit to the commission notice of intention to file an*
20 *application for the certification of such site and related*
21 *facility or facilities. The notice shall be an attempt*
22 *primarily to determine the suitability of the proposed*
23 *sites to accommodate the facilities and to determine the*
24 *general conformity of the proposed sites and related*
25 *facilities with standards of the commission and forecasts*
26 *adopted pursuant to Sections 25216.3 and 25309. The*
27 *notice shall be in the form prescribed by the commission*
28 *and shall be supported by such information as the*
29 *commission may require.*

30 *Any site and related facility once found to be*
31 *acceptable pursuant to Section 25516 is, and shall*
32 *continue to be, eligible for consideration in an application*
33 *for certification without further proceedings required for*
34 *a notice under this chapter.*

35 *Any*

36 *25502.3. Except as provided in Section 25501.7, any*
37 *person proposing to construct a facility excluded from the*
38 *provisions of this ~~division~~ chapter may waive such*
39 *exclusion by submitting to the commission a notice of*
40 *intention to file an application for certification, and any*

1 and all of the provisions of this chapter shall apply to the
2 construction of such facility.

3 *25502.5. The notice is not required to contain three*
4 *alternative sites and related facilities for additional*
5 *generating facilities on land owned by an electric utility*
6 *before the effective date of this division at existing sites*
7 *east of the town of Clay Station in Sacramento County, in*
8 *the location commonly known as Diablo Canyon in San*
9 *Luis Obispo County, and near the City of Pittsburg in*
10 *Contra Costa County.*

11 25503. Each notice of intention to file an application
12 shall contain at least three alternative sites and related
13 facilities, at least one of which shall not be located in
14 whole or in part in the coastal zone. In addition, the
15 alternative sites and related electrical facilities may be
16 proposed from an inventory of sites which have
17 previously been approved by the commission in a notice
18 of intent or may be proposed from sites previously
19 examined. If modification of an existing facility is
20 proposed, the commission may require that alternative
21 methods of providing the additional service or making
22 the proposed modification be specified in the notice.

23 25504. The notice of intention shall include a
24 statement by the applicant describing the location of the
25 proposed sites by section or sections, range and township,
26 and county; a summary of the proposed design criteria of
27 the facilities; the type or types of fuels to be used; the
28 methods of construction and operation; the proposed
29 location of facilities and structures on each site; a
30 preliminary statement of the relative economic,
31 technological, and environmental advantages and
32 disadvantages of the alternative site and related facility
33 proposals; a statement of need for the facility and
34 information showing the compatibility of the proposals
35 with the most recent biennial report issued pursuant to
36 Section 25309; and any other information that an electric
37 utility deems desirable to submit to the commission.

38 25504.5. An applicant may, in the notice, propose a
39 site to be approved which will accommodate a potential
40 maximum electric generating capacity in excess of the

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1 capacity being proposed for the initial approval of the
2 commission. If such a proposal is made, the notice shall
3 include, but not be limited to, in addition to the
4 information specified in Section 25504, all of the
5 following:

6 (a) The number, type, and energy source of electric
7 generating units which the site is proposed ultimately to
8 accommodate and the maximum generating capacity for
9 each unit.

10 (b) The projected installation schedule for each unit.

11 (c) The impact at the site when fully developed, on
12 the environment and public health and safety.

13 (d) The amount and sources of cooling water needed
14 at the fully developed site.

15 (e) The location and specifications of auxiliary
16 facilities planned for each state of development
17 including, but not limited to, pipelines, waste storage
18 facilities, fuel storage facilities, switchyards, coolant lines,
19 coolant outfalls, and cooling ponds, lakes, or towers.

20 25505. Upon receipt of a notice, the commission shall
21 cause a summary of the notice to be published in a
22 newspaper of general circulation in each county in which
23 the sites and related facilities, or any part thereof,
24 designated in the notice are proposed to be located. The
25 commission shall also transmit a copy of the notice to the
26 Public Utilities Commission, *for sites and related*
27 *facilities requiring a certificate of public convenience and*
28 *necessity*, and to other federal, state, regional, and local
29 agencies having an interest in matters pertinent to the
30 proposed facilities at any of the alternative sites. A copy
31 of the notice shall also be transmitted to the Attorney
32 General.

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

40 25506.5. The commission shall request the Public

1 Utilities Commission, for sites and related facilities
 2 requiring a certificate of public convenience and
 3 necessity, to make comments and recommendations
 4 regarding the design, operation, and location of the
 5 facilities designated in the notice in relation to the
 6 economic, financial, rate, system reliability, and service
 7 implications of the proposed facilities.

8 25507. If any alternative site and related facility
 9 proposed in the notice is proposed to be located, in whole
 10 or in part, within the coastal zone and if a permit for such
 11 a site and related facility is required to be obtained from
 12 the California Coastal Zone Conservation Commission,
 13 the commission shall transmit a copy of the notice to the
 14 California Coastal Zone Conservation Commission. The
 15 commission shall request that the California Coastal Zone
 16 Conservation Commission complete an analysis of any
 17 coastal zone site and related facility and forward
 18 preliminary findings of the acceptability of any such site
 19 and related facility prior to completion of the preliminary
 20 report required by Section 25510.

21 25508. The commission shall cooperate with, and
 22 render advice to, the California Coastal Zone
 23 Conservation Commission and any appropriate regional
 24 coastal zone conservation commission in studying
 25 applications for any site and related facility proposed to
 26 be located, in whole or in part, within the permit area, if
 27 requested by the California Coastal Zone Conservation
 28 Commission or a regional coastal zone conservation
 29 commission, and may invite the members of the
 30 California Coastal Zone Conservation Commission and
 31 regional coastal zone conservation commissions to
 32 participate in public hearings on the notice and on the
 33 application for site and related facility certification, in
 34 connection with matters of mutual concern, as interested
 35 parties in such proceedings.

36 25509. The commission shall conduct a public
 37 informational hearing or hearings in the county of the
 38 proposed sites and related facilities no earlier than 60 nor
 39 later than 90 days from receipt of a notice of intention to
 40 file an application. The place of such public informational

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1 hearing or hearings shall be as close as practicable to the
2 proposed sites. Any person may participate to the extent
3 deemed reasonable and relevant by the presiding
4 member of the commission, in any such hearing. Such
5 hearings on the original three sites and related facilities
6 shall be concluded within 90 days of their
7 commencement. Such hearings shall be conducted in
8 order to accomplish all of the following purposes:

9 (a) To set forth the electrical demand basis for the
10 proposed site and related 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 electric generating capacity or
20 energy to be provided by alternative sites and related
21 facilities, or combinations thereof, which will better carry
22 out the policies and objectives of this division.

23 25510. Within 90 days after the conclusion of such
24 hearing or hearings, the commission shall prepare and
25 make public a preliminary report on the notice of
26 intention to file an application. Such report shall contain
27 the comments and recommendations of local authorities
28 as to the construction of any thermal powerplant or
29 electric transmission line on a particular site. The
30 commission may include within the preliminary report
31 any other alternatives proposed by the commission or
32 presented to the commission at a public hearing prior to
33 preparation of the preliminary report. The preliminary
34 report shall be published and made available to the
35 public and to interested local, regional, state, and federal
36 agencies.

37 25511. The commission shall review the factors
38 related to safety and reliability of the facilities at each of
39 the alternative sites designated in the notice. In addition
40 to other information requested of the applicant, the

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

19 25512. The preliminary report shall be based upon
 20 testimony presented during any hearing on the notice,
 21 the comments transmitted by the Public Utilities
 22 Commission and local, regional, state, and federal
 23 agencies and the public to the commission, and the
 24 independent studies conducted by the commission's staff.
 25 The preliminary report shall include findings and
 26 conclusions, within the limitation of the information
 27 required in Sections 25502, 25503, 25504, and 25511, with
 28 respect to all of the following:

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

33 (1) The forecast of statewide and service area electric
 34 power demands adopted pursuant to Section 25309,
 35 except as provided in Section 25514.5.

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

38 (b) The relative merit of each alternative site and
 39 related facility proposal designated in the notice or
 40 presented at a public hearing and considered by the

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

5 25513. Within 30 days of the publication of the
6 preliminary report, a copy of the report will be
7 distributed to any person requesting the report prior to
8 distribution. Any such person may respond in writing to
9 the preliminary report. Such response shall be submitted
10 to the commission no later than 60 days after distribution
11 of the report.

12 25514. No later than 120 days after distribution of the
13 preliminary report, a final report shall be prepared and
14 distributed. The final report shall include, but not be
15 limited to, all of the following:

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

21 (1) The 10-year forecast of statewide and service area
22 electric power demands adopted pursuant to subdivision
23 (b) of Section 25309, except as provided in Section
24 25514.5.

25 (2) The provisions of any state law or local or regional
26 ordinance or regulation, including any long-range land
27 use plans or guidelines adopted by the state or by any
28 local or regional planning agency, which would be
29 applicable but for the exclusive authority of the
30 commission to certify sites and related facilities; and the
31 standards adopted by the commission pursuant to Section
32 25216.3.

33 (b) Any findings and comments submitted by the
34 California Coastal Zone Conservation Commission or any
35 regional coastal zone conservation commission regarding
36 conformity of any siting alternative proposed in the
37 coastal zone with policies, regulations, or guidelines
38 established by the commission. Such findings and
39 comments, however, shall not constitute approval of any
40 permit required from any regional coastal zone

1 conservation commission or California Coastal Zone
2 Conservation Commission on appeal.

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

11 (d) Any conditions, modifications, or criteria proposed
12 for any site and related facility proposal resulting from
13 the commission's evaluation pursuant to subdivision (c)
14 of Section 25512.

15 25514.3. In specifying any modifications, conditions,
16 or criteria pursuant to Section 25514, *for sites and related*
17 *facilities requiring a certificate of public convenience and*
18 *necessity*, the commission shall request the comments
19 and recommendations of the Public Utilities Commission
20 on the economic, financial, rate, system reliability, and
21 service implications of such modifications, conditions, or
22 criteria.

23 25514.5. In considering the acceptability of a site
24 proposed to accommodate ultimately additional
25 power-generating capacity, the commission, in
26 determining, pursuant to Sections 25514 and 25512, the
27 conformity of the facilities proposed in the notice with
28 the 10-year forecast of statewide and service area electric
29 power demands adopted pursuant to subdivision (b) of
30 Section 25309, shall base its determination only on such
31 initial facilities as are proposed for operation within the
32 forthcoming 10-year period. Additional facilities
33 projected to be operating at the site at a time beyond the
34 forthcoming 10-year period shall not be considered in the
35 determination of conformity with the electric power
36 demand forecast.

37 25515. No later than 30 days after the final report is
38 distributed, a hearing or hearings on the final report shall
39 be commenced. Such hearings shall be concluded within
40 30 days of their commencement.

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1 25516. The approval of the notice by the commission
2 shall be based upon findings pursuant to Section 25514.
3 The commission's decision shall be issued within 60 days
4 after the conclusion of the hearings on the final report.
5 The notice shall not be approved unless the commission
6 finds at least two alternative site and related facility
7 proposals considered in the commission's final report as
8 acceptable. If the commission does not find at least two
9 sites and related facilities acceptable, additional sites and
10 related facilities may be proposed by the applicant which
11 shall be considered in the same manner as those proposed
12 in the original notice. ~~If the commission finds that a good
13 faith effort has been made by the person submitting the
14 notice to find an acceptable alternative site and related
15 facility and that there is only one feasible site, the
16 commission may approve the notice based on the one site
17 and related facility.~~

18 *If the commission finds that a good faith effort has been
19 made by the person submitting the notice to find an
20 acceptable alternative site and related facility and that
21 there is only one acceptable site and related facility
22 among those submitted, the commission may approve the
23 notice based on the one site and related facility. If a
24 notice is approved based on one site and related facility,
25 the commission may require a new notice to be filed to
26 identify acceptable alternative sites and related facilities
27 for the one site and related facility approved.*

28 If the commission finds that additional electric
29 generating capacity is needed to accommodate the
30 electric power demand forecast pursuant to subdivision
31 (b) of Section 25309 and, after the commission finds that
32 a good faith effort was made by the person submitting the
33 notice to propose an acceptable site and related facility,
34 it fails to find any proposed site and related facility to be
35 acceptable, the commission shall designate, at the request
36 of and at the expense of the person submitting the notice,
37 a feasible site and related facility for providing the
38 needed electric generating capacity.

39 25516.5. On a notice which proposes an expanded
40 ultimate electric generating capacity for a site, the

1 commission may, based upon findings pursuant to Section
 2 25514, either approve the notice only for the initial
 3 facility or facilities proposed for operation within the
 4 forthcoming 10-year period or may approve the notice
 5 for the initial facility or facilities and find the site
 6 acceptable for additional generating capacity of the type
 7 tentatively proposed. The maximum allowable amount
 8 and type of such additional capacity shall be determined
 9 by the commission.

10 If a notice is approved which includes a finding that a
 11 particular site is suitable to accommodate a particular
 12 additional generating capacity, the site shall be
 13 designated a potential multiple-facility site. The
 14 commission may, in determining the acceptability of a
 15 potential multiple-facility site, specify conditions or
 16 criteria necessary to insure that future additional facilities
 17 will not exceed the limitations of the site.

18 25517. Except as provided in Sections 25501 and
 19 25501.3, after the effective date of this division, no
 20 construction of any thermal powerplant or electric
 21 transmission line shall be commenced by any electric
 22 utility without first obtaining certification as prescribed
 23 in this division. Any onsite improvements not qualifying
 24 as construction may be required to be restored as
 25 determined by the commission as necessary to protect
 26 the environment, if certification is denied.

27 25518. Except as provided in subdivision (b) of
 28 Section 25501, the Public Utilities Commission shall issue
 29 no certificate of public convenience and necessity for a
 30 site or related electrical facilities unless the utility has
 31 obtained a certificate from the commission.

32 25518.5. Nothing in this division shall preclude the
 33 concurrent initiation of an application for a certificate of
 34 public convenience and necessity from the Public
 35 Utilities Commission subject to the condition specified in
 36 Section 25518.

37 ~~25519. (a) Each person proposing to construct any~~
 38 ~~thermal powerplant or electric transmission line shall file~~
 39 ~~with the commission an application for certification of~~
 40 ~~any site and related facility.~~

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1 **25519.** (a) *In order to obtain certification for a site*
2 *and related facility, an application for certification of such*
3 *site and related facility shall be filed with the commission.*
4 Such application shall be in a form prescribed by the
5 commission and shall be filed with the commission no
6 later than 18 months before any construction is to
7 commence. Such application shall be for a site and
8 related facility which has been found to be acceptable by
9 the commission pursuant to Section 25516, or for an
10 additional facility at a site which has been designated a
11 potential multiple-facility site pursuant to Section 25514.5
12 and found to be acceptable pursuant to Sections 25516
13 and 25516.5. An application for an additional facility at a
14 potential multiple-facility site shall be subject to the
15 conditions and review specified in Section 25520.5. *An*
16 *application may not be filed for a site and related facility,*
17 *if there is no suitable alternative for the site and related*
18 *facility which was previously found to be acceptable by*
19 *the commission, unless the commission has approved the*
20 *notice based on the one site as specified in Section 25516.*
21 (b) The commission, upon its own motion or in
22 response to the request of any party, may require the
23 applicant to submit any information, document, or data,
24 in addition to the attachments required by subdivision
25 (i), which it determines is reasonably necessary to make
26 any decision on the application.
27 (c) Upon receipt of the application, the commission
28 shall undertake studies and investigations necessary to
29 comply with the environmental impact reporting
30 procedures established pursuant to Section 21100. For
31 purposes of preparation and approval of the
32 environmental impact report on a proposed site and
33 related facility, the commission shall be the lead agency
34 as provided in Section 21165, except as to any site and
35 related facility proposed to be located within the permit
36 area if a permit from the California Coastal Zone
37 Conservation Commission is required. Except as
38 otherwise provided in Division 13 (commencing with
39 Section 21000), the environmental impact report shall be
40 completed within one year after receipt of the

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1 application.

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

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

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

28 (g) The ~~adviser~~ *advisor* shall require that adequate
29 notice is given to the public and that the procedures
30 specified by this division are complied with.

31 (h) ~~The~~ *For any proposed site and related facility*
32 *requiring a certificate of public convenience and*
33 *necessity, the* commission shall transmit a copy of the
34 application to the Public Utilities Commission and
35 request the comments and recommendations of the
36 Public Utilities Commission on the economic, financial,
37 rate, system reliability, and service implications of the
38 proposed site and related facility. In the event the
39 commission requires modification of the proposed
40 facility, the commission shall consult with the Public

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1 Utilities Commission regarding the economic, financial,
2 rate, system reliability, and service implications of such
3 modifications.

4 (i) The commission shall transmit a copy of the
5 application to any governmental agency not specifically
6 mentioned in this act, but which it finds has any
7 information or interest in the proposed site and related
8 facilities, and shall invite the comments and
9 recommendations of each such agency. The commission
10 shall request any relevant laws, ordinances, or regulations
11 which any such agency has promulgated or administered.

12 (j) An application for certification of any site and
13 related facilities shall contain a listing of every federal
14 agency from which any approval or authorization
15 concerning the proposed site is required, specifying the
16 approvals or authorizations obtained at the time of the
17 application and the schedule for obtaining any approvals
18 or authorizations pending.

19 25520. The application shall contain the following and
20 such other information as the commission by regulation
21 may require:

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

24 (b) Safety and reliability information, including, in
25 addition to documentation previously provided pursuant
26 to Section 25511, planned provisions for emergency
27 operations and shutdowns.

28 (c) Available site information, including maps and
29 descriptions of present and proposed development and,
30 as appropriate, geological, aesthetic, ecological, seismic,
31 water supply, population and load center data, and
32 justification for the particular site proposed.

33 (d) Such other information relating to the design,
34 operation, and siting of the facility as the commission may
35 specify.

36 (e) A statement of need providing information
37 showing compatibility of the proposed facility with the
38 most recent biennial report issued by the commission
39 pursuant to Section 25309.

40 (f) A description of the facility, the cost of the facility,

1 the fuel to be used, the source of fuel, fuel cost, plant
2 service life and capacity factor, and generating cost per
3 kilowatt hour.

4 (g) A description of any electric transmission lines
5 including the estimated cost of the proposed electric
6 transmission line; a map in suitable scale of the proposed
7 routing showing details of the rights-of-way in the vicinity
8 of settled areas, parks, recreational areas, and scenic
9 areas, and existing transmission lines within one mile of
10 the proposed route; and justification for the route and a
11 preliminary description of the effect of the proposed
12 electric transmission line on the environment, ecology,
13 and scenic, historic and recreational values.

14 25520.5. (a) In reviewing an application for an
15 additional facility at a potential multiple-facility site, the
16 commission shall undertake a reconsideration of its prior
17 determinations in the final report on the notice for the
18 site issued pursuant to Section 25514, based on current
19 conditions and other reasonable and feasible alternatives
20 to the proposed facility.

21 (b) Within 180 days of the filing of the application for
22 an additional facility at a potential multiple-facility site
23 and after adequate public hearings, the commission shall
24 issue its decision on the acceptability of the proposed
25 facility based on the reconsideration specified in
26 subdivision (a) of this section. A negative determination
27 shall be the final decision of the commission on the
28 application and subject to judicial review pursuant to
29 Section 25531. An affirmative determination shall not be
30 a final decision of the commission on the application.

31 (c) The decision of the commission on an application
32 for an additional facility at a potential multiple-facility
33 site receiving a favorable determination pursuant to
34 subdivision (b) of this section shall be issued within 24
35 months after the filing of the application or at such later
36 time as is mutually agreed upon by the commission and
37 the applicant.

38 25521. No earlier than 90 nor later than 240 days after
39 the date of the filing of an application, the commission
40 shall commence a public hearing or hearings thereon in

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1 Sacramento, San Francisco, Los Angeles, or San Diego,
2 whichever city is nearest the proposed site. Additionally,
3 the commission may hold a hearing or hearings in the
4 county in which the proposed site and related facilities
5 are to be located.

6 25522. Except as provided in subdivision (c) of
7 Section 25520.5, within 18 months of the filing of an
8 application for certification or at such later time as is
9 mutually agreed by the commission and the applicant,
10 the commission shall issue a written decision as to such
11 application.

12 25523. The commission shall prepare a written
13 decision after a public hearing or hearings on an
14 application, which shall include all of the following:

15 (a) Specific provisions relating to the manner in which
16 the proposed facility is to be designed, sited, and
17 operated in order to protect environmental quality and
18 assure public health and safety.

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

35 (c) Provision for restoring the site as necessary to
36 protect the environment, if the commission denies
37 approval of the application.

38 (d) Findings regarding the conformity of the
39 proposed facility with the 10-year forecast of statewide
40 and service area electric power demands adopted

1 pursuant to subdivision (b) of Section 25309.

2 25524. The commission shall not certify any facility
3 contained in the application, unless its findings with
4 respect to subdivision (d) of Section 25523 are in the
5 affirmative.

6 25524.5. The commission shall not certify any facility
7 which adds generating capacity to a potential
8 multiple-facility site in excess of the maximum allowable
9 capacity established by the commission pursuant to
10 Section 25516.5, unless the commission finds that
11 exceeding the maximum allowable capacity will not
12 increase adverse environmental impacts or create
13 technological, seismic, or other difficulties beyond those
14 already found acceptable in the commission's findings on
15 the notice for that site pursuant to Sections 25516 and
16 25516.5.

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

30 25526. The commission may certify any facility
31 contained in the application which is proposed to be
32 located, in whole or in part, within the permit area unless
33 a permit from the California Coastal Zone Conservation
34 Commission is required, in which case such permit shall
35 be obtained before the certificate may be granted.
36 Approval of a permit by any regional coastal zone
37 conservation commission, or the California Coastal Zone
38 Conservation Commission on appeal, shall not affect the
39 authority of the commission to deny certification for any
40 facility contained in the application, as provided in this

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2 25527. The following areas of the State of California
3 shall be excluded from consideration whenever a site is
4 considered for a thermal powerplant: state shall not be
5 approved as a site for a facility, unless the commission
6 finds that such use is not inconsistent with the primary
7 uses of such lands and that there will be no substantial
8 adverse environmental effects and the approval of any
9 public agency having ownership or control of such lands
10 is obtained:

11 (a) State, regional, county and city parks; wilderness,
12 scenic or natural reserves; areas for wildlife protection,
13 recreation, historic preservation; or natural preservation
14 areas in existence on the effective date of this division.

15 (b) Estuaries in an essentially natural and
16 undeveloped state.

17 In considering applications for certification, the
18 commission shall give the greatest consideration to the
19 need for protecting areas of critical environmental
20 concern, including, but not limited to, unique and
21 irreplaceable scientific, scenic, and educational wildlife
22 habitats; unique; historical, archaeological, and cultural
23 sites; lands of hazardous concern; and areas under
24 consideration by the state or the United States for
25 wilderness, or wildlife and game reserves.

26 ~~25528.~~ The commission shall require, as a condition of
27 certification of any site and related facility contained in
28 the application, that the applicant acquire development
29 rights of privately owned lands in the area of the
30 proposed site and related facility which, as the
31 commission determines, are necessary to control future
32 population growth and land use in the interests of public
33 health and safety. For purposes of acquiring
34 development rights to privately owned lands, the
35 reasonable value of such rights shall be based on
36 conditions existing prior to, and not associated with, any
37 improvement, planned or constructed, relating to any
38 site:

39 25528. (a) The commission shall require, as a
40 condition of certification of any site and related facility,

1 that the applicant acquire, by grant or contract, the right
 2 to prohibit development of privately owned lands in the
 3 area of the proposed site which will result in population
 4 densities in excess of the maximum population densities
 5 which the commission determines are necessary to
 6 protect public health and safety. The power of
 7 condemnation is hereby granted to the applicant to
 8 acquire such development rights and the requirement of
 9 the commission that any such rights be acquired is
 10 conclusive finding of the public necessity of such
 11 condemnation.

12 (b) In the case of an application for a nuclear facility,
 13 the area and population density necessary to insure the
 14 public's health and safety designated by the commission
 15 shall be that as determined from time to time by the
 16 United States Atomic Energy Commission, if the
 17 commission finds that such determination is sufficiently
 18 definitive for valid land use planning requirements.

19 (c) The commission shall waive the requirements of
 20 the acquisition of development rights by an applicant to
 21 the extent that the commission finds that existing
 22 governmental land use restrictions are of a type
 23 necessary and sufficient to guarantee the maintenance of
 24 population levels and land use development over the
 25 lifetime of the facility which will insure the public health
 26 and safety requirements set pursuant to this section.

27 (d) No change in governmental land use restrictions
 28 in such areas designated in subdivision (c) of this section
 29 by any government agency shall be effective until
 30 approved by the commission. Such approval shall certify
 31 that the change in land use restrictions is not in conflict
 32 with requirements provided for by this section.

33 (e) It is not the intent of the Legislature by the
 34 enactment of this section to take private property for
 35 public use without payment of just compensation in
 36 violation of the United States Constitution or the
 37 Constitution of California.

38 25529. When a facility is proposed to be located in the
 39 coastal zone or any other area with recreational, scenic,
 40 or historic value, the commission shall require, as a

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1 condition of certification of any facility contained in the
2 application, that an area be established for public use, as
3 determined by the commission. Lands within such area
4 shall be acquired and maintained by the applicant and
5 shall be available for public access and use, subject to
6 restrictions required for security and public safety. The
7 applicant may dedicate such public use zone to any local
8 agency agreeing to operate or maintain it for the benefit
9 of the public. If no local agency agrees to operate or
10 maintain the public use zone for the benefit of the public,
11 the applicant may dedicate such zone to the state. The
12 commission shall also require that any facility to be
13 located along the coast or shoreline of any major body of
14 water be set back from the shoreline to permit reasonable
15 public use and to protect scenic and aesthetic values.

16 25530. The commission may order a reconsideration
17 of all or part of a decision or order on its own motion or
18 on petition of any party.

19 Any such petition shall be filed within 30 days after
20 adoption by the commission of a decision or order. The
21 commission shall not order a reconsideration on its own
22 motion more than 30 days after it has adopted a decision
23 or order. The commission shall order or deny
24 reconsideration on a petition therefor within 30 days after
25 the petition is filed.

26 A decision or order may be reconsidered by the
27 commission on the basis of all pertinent portions of the
28 record together with such argument as the commission
29 may permit, or the commission may hold a further
30 hearing, after notice to all interested persons. A decision
31 or order of the commission on reconsideration shall have
32 the same force and effect as an original order or decision.

33 25531. (a) The decisions of the commission on any
34 notice or application of any electric utility for
35 certification of a site and related facility shall be subject
36 to judicial review in the same manner as the decisions of
37 the Public Utilities Commission on the application for a
38 Certificate of Public Convenience and Necessity for the
39 same site and related facility. ~~No new or additional~~
40 ~~evidence may be~~ facility.

1 (b) No new or additional evidence may be introduced
 2 upon review and the cause shall be heard on the record
 3 of the commission as certified to by it. The review shall
 4 not be extended further than to determine whether the
 5 commission has regularly pursued its authority, including
 6 a determination of whether the order or decision under
 7 review violates any right of the petitioner under the
 8 United States Constitution or the California Constitution.
 9 The findings and conclusions of the commission on
 10 questions of fact shall be final and shall not be subject to
 11 review, except as provided in this article. Such questions
 12 of fact shall include ultimate facts and the findings and
 13 conclusions of the commission. A report prepared by the
 14 commission shall not constitute a decision of the
 15 commission subject to judicial review, except as it relates
 16 to the certification of an application.

17 **Subject**

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

26 25532. The commission shall establish a monitoring
 27 system to assure that any facility certified under this
 28 division is constructed and is operating in compliance
 29 with air and water quality, public health and safety, and
 30 other applicable regulations, guidelines, and conditions
 31 adopted or established by the commission or specified in
 32 the written decision on the application. In designing and
 33 operating the monitoring system, the commission shall
 34 seek the cooperation and assistance of the State Air
 35 Resources Board, the State Water Resources Control
 36 Board, the Department of Health, and other state,
 37 regional, and local agencies which have an interest in
 38 environmental control.

39 25534. The commission may after hearings amend the
 40 conditions of, or revoke the certification for, any facility

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1 for any of the following reasons:

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

6 (b) For other than insignificant failure to comply with
7 the terms or conditions of approval of the application as
8 specified by the commission in its written decision.

9 (c) For violation of any provision of this division or any
10 regulation or order issued by the commission under this
11 division.

12 25535. Such cost as the applicant incurs to comply
13 with the decision of the commission shall be allowed for
14 ratemaking purposes.

15 25536. Pending completion of the statewide and
16 service area forecasts of electric power demand specified
17 in Section 25309, the commission shall utilize as an
18 interim forecast for purposes of determining the
19 acceptability of alternative site and related facility
20 proposals as provided in subdivision (a) of Section 25514
21 and subdivision (d) of Section 25523, the 10-year forecast
22 of loads and resources prepared by the Public Utilities
23 Commission from reports required or submitted as of
24 ~~March 31, 1973 under Section 2~~ *March 31, 1974, under*
25 *Sections 2 and 3* of General Order 131 of the Public
26 Utilities Commission. On the first June 1st and the second
27 June 1st following the effective date of this division, the
28 commission shall commence public hearings, at least one
29 of which shall be in the City of Sacramento. Any person
30 may participate in any such hearings. The hearing shall
31 be conducted to secure the views and comments of the
32 public, the electric utilities, other state and federal
33 agencies, and city and county governments regarding
34 revision of the interim forecasts based on the
35 considerations specified in Section 25304 and on updated
36 information regarding forecast loads and resources
37 submitted by any electric utility. Such hearings shall be
38 concluded within 30 days from the date of their
39 commencement. Within 60 days of the conclusion of the
40 hearings specified in this section, the commission shall

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

5 25537. Upon approval of an application, the
6 commission shall forward to the Atomic Energy
7 Commission, the Environmental Protection Agency, and
8 to other appropriate federal agencies, the results of its
9 studies including the environmental impact report on the
10 facility, the written decision on the facility contained in
11 the application, and the commission's determination of
12 facility safety and reliability as provided in Section 25511.

13 25538. Upon receiving the commission's request for
14 review under subdivision (e) of Section 25519 and
15 Section 25506, the local agency may request a fee from
16 the commission to reimburse the local agency for the
17 actual and added costs of such review by the local agency.
18 The commission shall reimburse the local agency for such
19 added costs that shall be actually incurred by the local
20 agency in complying with the commission's request. The
21 commission may request a fee from the person proposing
22 the project or may devote a special fund in its budget for
23 the reimbursement of costs incurred by local agencies.

24 25539. In reviewing notices and applications for
25 certification of modifications of existing facilities, the
26 commission shall adopt rules and regulations as necessary
27 to insure that relevant duties pursuant to this division are
28 carried out.

29 *25540. If a person proposes to construct a geothermal
30 powerplant and related facility or facilities on a site, the
31 commission shall not require three alternative sites and
32 related facilities to be proposed in the notice. In
33 considering the proposed construction of a geothermal
34 powerplant and related facilities on a site, the
35 commission shall issue its findings on the notice as
36 specified in Section 25516 within nine months from the
37 date of filing of such notice, and shall issue its final and
38 decision on the application as specified in Section 25523
39 within nine months from the date of filing of the
40 application for certification, or at such later time as it*

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1 *mutually agreed by the commission and the applicant or*
2 *person submitting the notice.*

3 *25541. The commission may exempt from the*
4 *provisions of this chapter thermal powerplants with a*
5 *generating capacity of up to 100 megawatts and*
6 *modifications to existing generating facilities which do*
7 *not add capacity in excess of 100 megawatts, if the*
8 *commission finds both of the following:*

9 *(a) No substantial adverse impact on the environment*
10 *or energy resources will result from the construction or*
11 *operation of the proposed facility or from the*
12 *modifications.*

13 *(b) Generating capacity will not be added which is*
14 *substantially in excess of the forecast of electrical energy*
15 *demands adopted pursuant to subdivision (b) of Section*
16 *25309.*

17 ~~25540~~ *25542. In the case of any site and related facility*
18 *or facilities for which the provisions of this division do not*
19 *apply, the exclusive power given to the commission*
20 *pursuant to Section 25500 to certify sites and related*
21 *facilities shall not be in effect.*

22
23 **CHAPTER 7. RESEARCH AND DEVELOPMENT**

24
25 *25600. The commission shall develop and coordinate*
26 *a program of research and development in energy*
27 *supply, consumption, and conservation and the*
28 *technology of siting facilities and shall give priority to*
29 *those forms of research and development which are of*
30 *particular importance to the state, including, but not*
31 *limited to, all of the following:*

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

34 *(b) Increased energy use efficiencies of existing*
35 *thermal electric and hydroelectric powerplants and*
36 *increased energy efficiencies in designs of thermal*
37 *electric and hydroelectric powerplants.*

38 *(c) Exploration and accelerated development of*
39 *alternative sources of energy, including geothermal and*
40 *solar energy resources.*

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

3 (e) Improved methods of energy demand forecasting.

4 25601. The commission shall carry out technical
5 assessment studies on all forms of energy and energy
6 related problems, in order to influence federal research
7 and development priorities and to be informed on future
8 energy options and their impacts, including, in addition
9 to those problems specified in Section 25600, but not
10 limited to, the following:

11 (a) Advanced nuclear powerplant concepts, fusion,
12 and fuel cells.

13 (b) Total energy concepts.

14 (c) New technology related to coastal and offshore
15 siting of facilities.

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

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

21 (f) Measures to reduce wasteful and inefficient uses of
22 energy.

23 (g) Shifts in transportation modes and changes in
24 transportation technology in relation to implications for
25 energy consumption.

26 (h) Methods of recycling, extraction, processing,
27 fabricating, handling, or disposing of materials, especially
28 materials which require large commitments of energy.

29 (i) Expanded recycling of materials and its effect on
30 energy consumption.

31 (j) Implications of government subsidies and taxation
32 and ratesetting policies.

33 (k) Utilization of waste heat.

34 (l) Use of hydrogen as an energy form.

35 (m) Use of agricultural products, municipal wastes,
36 and organic refuse as an energy source.

37 Such assessments may also be conducted in order to
38 determine which energy systems among competing
39 technologies are most compatible with standards
40 established pursuant to this division.

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1 25602. For research purposes, the commission shall, in
2 cooperation with other state agencies, participate in the
3 design, construction, and operation of energy conserving
4 buildings using data developed pursuant to Section 25401,
5 in order to demonstrate the economic and technical
6 feasibility of such designs.

7 25603. Beginning with, and for, the 1976-77 fiscal
8 year, the commission shall submit to the Governor for
9 inclusion in the state budget an integrated program of
10 proposed research and development and technical
11 assessment projects set forth on an item-by-item basis
12 including the priority items established in Sections 25600,
13 25601, and 25602. The commission shall describe for each
14 item the objectives and anticipated end product of each
15 project, funding and staff requirements, timing and other
16 information which is necessary to describe the projects
17 adequately. As part of each submission, the commission
18 shall describe the progress of its programs.

19 25604. For purposes of carrying out the provisions of
20 this chapter, the commission may contract with any
21 person for materials and services that cannot be
22 performed by its staff or other state agencies, and may
23 apply for federal grants or any other funding.

24
25 CHAPTER 8. ENERGY SHORTAGE
26 CONTINGENCY PLANNING
27

28 25700. The commission shall, in accordance with the
29 provisions of this chapter, develop contingency plans to
30 deal with possible shortages of electrical energy or fuel
31 supplies to protect public health, safety, and welfare.

32 25701. (a) Within six months after the effective date
33 of this division, each electric utility, gas utility, and fuel
34 wholesaler or manufacturer in the state shall prepare and
35 submit to the commission a proposed emergency load
36 curtailment plan or emergency energy supply
37 distribution plan setting forth proposals for identifying
38 priority loads or users in the event of a sudden and serious
39 shortage of fuels or interruption in the generation of
40 electricity.

1 (b) The commission shall encourage electric utilities
 2 to cooperate in joint preparation of an emergency load
 3 curtailment plan or emergency energy distribution plan.
 4 If such a cooperative plan is developed between two or
 5 more electric utilities, such utilities may submit such joint
 6 plans to the commission in place of individual plans
 7 required by subdivision (a) of this section.

8 (c) The commission shall collect from all relevant
 9 governmental agencies, including, but not limited to, the
 10 Public Utilities Commission and the Office of Emergency
 11 Services, any existing contingency plans for dealing with
 12 sudden energy shortages or information related thereto.

13 25702. The commission shall, after one or more public
 14 hearings, review the emergency load curtailment
 15 program plans or emergency energy supply distribution
 16 plans submitted pursuant to Section 25701, and, within
 17 one year after the effective date of this division, the
 18 commission shall approve and recommend to the
 19 Governor and the Legislature plans for emergency load
 20 curtailment and energy supply distribution in the event
 21 of a sudden energy shortage. Such plans shall be based
 22 upon the plans presented by the electric utilities, gas
 23 utilities, and fuel wholesalers or manufacturers,
 24 information provided by other governmental agencies,
 25 independent analysis and study by the commission and
 26 information provided at the hearing or hearings. Such
 27 plans shall provide for the provision of essential services,
 28 the protection of public health, safety, and welfare, and
 29 the maintenance of a sound basic state economy.
 30 Provision shall be made in such plans to eliminate
 31 wasteful, uneconomic, and unnecessary uses of energy in
 32 times of shortages and to differentiate curtailment of
 33 energy consumption by users on the basis of ability to
 34 accommodate such curtailments. Such plans shall also
 35 specify the authority of and recommend the appropriate
 36 actions of state and local governmental agencies in
 37 dealing with energy shortages.

38 25703. Within four months after the date of
 39 certification of any new facility, the commission shall
 40 review and revise the recommended plans based on

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1 additional new capacity attributed to any such facility.
2 The commission shall, after one or more public hearings,
3 review the plans at least every five years from the
4 approval of the initial plan as specified in Section 25702.

5 25704. The commission shall carry out studies to
6 determine if potential serious shortages of electrical,
7 natural gas, or other sources of energy are likely to occur
8 and shall make recommendations to the Governor and
9 the Legislature concerning administrative and legislative
10 actions required to avert possible energy supply
11 emergencies or serious fuel shortages, including, but not
12 limited to, energy conservation and energy development
13 measures, to grant authority to specific governmental
14 agencies or officers to take actions in the event of a
15 sudden energy shortage, and to clarify and coordinate
16 existing responsibilities for energy emergency actions.

17 25705. *If the commission determines that all*
18 *reasonable conservation, allocation, and service*
19 *restriction measures will not alleviate an energy supply*
20 *emergency, and upon a declaration by the Governor or*
21 *by an act of the Legislature threat to public health safety*
22 *and welfare exists and requires immediate action, the*
23 *commission may authorize the construction and use of*
24 *generating facilities not to exceed 250 megawatts net*
25 *electrical generating capacity per unit under such terms*
26 *and conditions as specified by the commission to protect*
27 *the public interest.*

28 *Within 60 days after the authorization of construction*
29 *and use of such generating facilities, the commission shall*
30 *issue a report detailing the full nature, extent, and*
31 *estimated duration of the emergency situation and*
32 *making recommendations to the Governor and the*
33 *Legislature for further energy conservation and energy*
34 *supply measures to alleviate the emergency situation as*
35 *alternatives to use of such generating facilities.*

36 *The commission shall include, among the*
37 *recommendations specified in Section 25704, suggestions*
38 *for modifying the maximum size limit for generating*
39 *facilities specified in this section.*

1 CHAPTER 9. STATE ENERGY RESOURCES CONSERVA-
2 TION AND DEVELOPMENT SPECIAL ACCOUNT

3
4 25800. There is in the General Fund in the State
5 Treasury the State Energy Resources Conservation and
6 Development Special Account. On and after the effective
7 date of this division, each electric utility shall add a
8 surcharge of one-tenth of a mill (\$.0001) per
9 kilowatt-hour to the cost of electric power sold to
10 consumers in the state. After January 1, 1976, the
11 commission may, if necessary to provide funds for
12 projects authorized by the Legislature, increase the
13 surcharge by not more than one-tenth of a mill (\$.0001)
14 per kilowatt-hour after due notice and one or more
15 public hearings.

16 25801. (a) The Public Utilities Commission shall
17 require every electrical corporation, as defined in Section
18 218 of the Public Utilities Code, in the state to make
19 quarterly payments, commencing on January 1, of each
20 year, to the State Treasurer of all funds received pursuant
21 to this division, less administrative costs incurred in
22 collecting and transferring such funds to the state. The
23 amount of funds retained by any electrical corporation
24 for administrative costs shall not exceed 1.5 percent of the
25 total funds collected by any such corporation.

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

36 25802. Each person who submits to the commission a
37 notice of intent for any proposed generating facility shall
38 accompany the notice with a fee of one cent (\$.01) per
39 kilowatt of net electric capacity of the proposed
40 generation facility. Such fee shall only be paid on one of

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

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

9 Such fees shall be paid into the account.

10 25803. All the moneys received pursuant to the
11 provisions of this division shall be deposited in the
12 account and shall be subject to state auditing procedure.
13 The moneys in the account shall be expended, without
14 regard to fiscal years, for purposes of carrying out the
15 provisions of this division, when appropriated by the
16 Legislature.

17
18 CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

19
20 25900. Except as provided in Section 25531, whenever
21 the commission finds that any provision of this division is
22 violated or a violation is threatening to take place which
23 constitutes an emergency requiring immediate action to
24 protect the public health, welfare, or safety, the Attorney
25 General, upon request of the commission, shall petition a
26 court to enjoin such violation. The court shall have
27 jurisdiction to grant such prohibitory or mandatory
28 injunctive relief as may be warranted by way of
29 temporary restraining order, preliminary injunction, and
30 permanent injunction.

31 25901. (a) Within 30 days after the commission issues
32 its determination on any matter specified in this division,
33 except as provided in Section 25531, any aggrieved
34 person may file with the superior court a petition for a
35 writ of mandate for review thereof. Failure to file such an
36 action shall not preclude a person from challenging the
37 reasonableness and validity of a decision in any judicial
38 proceedings brought to enforce such decision for other
39 civil remedies.

40 (b) The evidence before the court shall consist of the

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1 record before the commission, and any other relevant
2 facts which, in the judgment of the court, should be
3 considered in determining the validity of any decision of
4 the commission.

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

9 25902. Any evaluations in the reports required by
10 Sections 25309 and 25536 and any findings and
11 determinations on the notice of intent pursuant to
12 Chapter 6 (commencing with Section 25500) of this
13 division shall not be construed as a final evaluation,
14 finding, or determination by the commission and a court
15 action may not be brought to review any such evaluation,
16 finding, or determination.

17 25903. If any provision of *subdivision (a) of Section*
18 *25531*, with respect to judicial review of the decision on
19 certification of a site and related facility, is held invalid,
20 judicial review of such decisions shall be conducted
21 ~~pursuant to the provisions of Section 25901 in the superior~~
22 ~~court subject to the conditions of subdivision (b) of~~
23 ~~Section 25531~~. The superior court shall grant priority in
24 setting such matters for review, and the appeals from any
25 such review shall be given preference in hearings in the
26 Supreme Court and courts of appeal.

27 ~~SEC. 3. Chapter 4.5 (commencing with Section 900)~~
28 ~~is added to Part 4 of Division 4 of the Public Utilities~~
29 ~~Code, to read:~~

30
31 **CHAPTER 4.5. TRANSMISSION SERVICES**

32
33 **Article 1. Definitions**

34
35 900. Unless the context otherwise requires, the
36 definitions in this article shall govern the construction of
37 this chapter.

38 901. "Fossil fuel" means a mixture of hydrocarbons,
39 including coal, petroleum, or natural gas, occurring in
40 and extracted from underground deposits.

1 902. "Partnership"
2 partnership
3 includes an
4 agency.

5 903. "Transmission"
6 exchange
7 utility for
8 electricity.

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10 **Article 2**

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12 **930. Fossil fuel**

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1 902. "Person" means any individual firm, association,
2 partnership, corporation or company. "Person" also
3 includes any city, county, public district, utility district, or
4 agency.

5 903. "Transmission service" means the transfer or
6 exchange of electricity for compensation by a public
7 utility for any person engaged in the production of
8 electricity.

9
10 Article 2: Alternate Energy Source Development

11
12 930. For the purpose of assuring the development of
13 sources of energy from other than nuclear energy and
14 fossil fuels with the greatest possible economy and speed,
15 and with regard to the proper utilization and
16 conservation of natural resources, the commission may
17 pursuant to Section 931 order interconnection and
18 coordination of facilities for the generation, transmission,
19 and sale of electricity, when in its judgment it will
20 promote public interest and carry out the purposes of this
21 chapter.

22 931. Whenever the commission, upon an application
23 of any person or persons engaged or proposing to engage
24 in the generation of electricity, and after notice to each
25 affected public utility and public hearing or hearings,
26 finds that interconnection and the providing of a
27 transmission service by any public utility or utilities will
28 facilitate development or utilization of the generating
29 facility, it may, by order, direct such utility or utilities, if
30 the commission finds that no undue burden will be
31 placed upon any such public utility or utilities, to establish
32 physical connection of its electric transmission facilities
33 with the facilities of one or more other persons engaged
34 in the production of electricity to transmit for, or sell or
35 exchange electricity with, such persons; provided,
36 however, that the electric generating facility uses a
37 source of primary energy other than nuclear energy or
38 fossil fuels. The commission may prescribe the terms and
39 conditions of the arrangement to be made between the
40 persons and public utilities affected by any such order,

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1 including apportionment of the cost between them and
2 the compensation or reimbursement reasonably due any
3 of them.

4 ~~922.~~ No interconnection or use of a transmission
5 service shall subject any person to regulation by the
6 commission as a public utility.

7 ~~923.~~ No provision of this chapter shall restrict the
8 existing authority of the commission to order the
9 interconnection of facilities or the transmission or
10 exchange of electricity.

11 ~~SEC. 4~~ *SEC. 3.* Notwithstanding Section 2231 of the
12 Revenue and Taxation Code, there shall be no
13 reimbursement pursuant to that section nor shall there
14 be any appropriation made by this act because the
15 Legislature recognizes that during any legislative session
16 a variety of changes to laws relating to crimes and
17 infractions may cause both increased and decreased costs
18 to local governmental entities and school districts which,
19 in the aggregate, do not result in significant identifiable
20 cost changes. In addition, self-financing authority is
21 provided in the form of rate increases by Section 12809 of
22 the Public Utilities Code.

23 ~~SEC. 5~~ *SEC. 4.* If any provision of this act or the
24 application thereof to any person or circumstances is held
25 invalid, such invalidity shall not affect other provisions or
26 applications of the act which can be given effect without
27 the invalid provision or application, and to this end the
28 provisions of this act are severable.

29 ~~SEC. 6~~ *SEC. 5.* The Legislature hereby declares that
30 the enactment of Chapter 9 (commencing with Section
31 25800) of Division 15 of the Public Resources Code by this
32 act does not preempt the field of taxation upon the use
33 of electrical energy and shall not affect the validity of any
34 such tax imposed by a chartered city.

35 ~~SEC. 7~~ *SEC. 6.* This act shall become operative on
36 January 7, 1975.

O