

AMENDED IN SENATE APRIL 29, 1974
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~~ *Assemblymen Warren, Moretti, Alatorre, Arnett, Bee, Berman, Boatwright, Briggs, Brown, Chappie, Cory, Craven, Deddeh, Dixon, Duffy, Dunlap, Fenton, Fong, Garcia, Joe A. Gonsalves, Hayden, Ingalls, Kapiloff, Karabian, Keene, Knox, Lockyer, MacDonald, Maddy, McAlister, McCarthy, Nimmo, Papan, Quimby, Thurman, Vasconcellos, and Wood*
(~~Coauthor: Senator Alquist~~) (Coauthors: *Senators Alquist, Behr, Harmer, Marks, Mills, Moscone, Nejedly, Schrade, and Stevens*)

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 REPEAL CHAPTER 11 (COMMENCING WITH SECTION 19870) OF PART 3 OF DIVISION 13 OF HEALTH AND SAFETY 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.

Requires, with exceptions, that power sites and facilities, as defined, 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 *in the Budget Act*.

Deletes designated provisions providing for the establishment of energy insulation regulations for residential buildings, with deletion to be operative on the date one year after the date the commission adopts regulations pertaining to such subject matter.

Provides that there ~~are no state/mandated local costs in this act that require~~ *shall be no reimbursement under pursuant to Section 2231 of the Revenue and Taxation Code nor shall*

there be any reasons.

To be open
Vote: major
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there be any appropriation made by this act, for specified reasons.

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

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

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

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

17 (d) Alternatives to the proposed action.

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

21 (f) Any irreversible environmental changes which
22 would be involved in the proposed action should it be
23 implemented.

24 (g) The growth-inducing impact of the proposed
25 action.

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

1 DIVISION 15. ENERGY CONSERVATION AND
2 DEVELOPMENT

3
4 CHAPTER 1. TITLE AND GENERAL PROVISIONS

5
6 25000. This division shall be known and may be cited
7 as the Warren-Alquist State Energy Resources
8 Conservation and Development Act.

9 25001. The Legislature hereby finds and declares that
10 electrical energy is essential to the health, safety and
11 welfare of the people of this state and to the state
12 economy, and that it is the responsibility of state
13 government to ensure that a reliable supply of electrical
14 energy is maintained at a level consistent with the need
15 for such energy for protection of public health and safety,
16 for promotion of the general welfare, and for
17 environmental quality protection.

18 25002. The Legislature further finds and declares that
19 the present rapid rate of growth in demand for electric
20 energy is in part due to wasteful, uneconomic, inefficient,
21 and unnecessary uses of power and a continuation of this
22 trend will result in serious depletion or irreversible
23 commitment of energy, land and water resources, and
24 potential threats to the state's environmental quality.

25 25003. The Legislature further finds and declares that
26 in planning for future electrical generating and related
27 transmission facilities state, regional, and local plans for
28 land use, urban expansion, transportation systems,
29 environmental protection, and economic development
30 should be considered.

31 25004. The Legislature further finds and declares that
32 there is a pressing need to accelerate research and
33 development into alternative sources of energy and into
34 improved technology of design and siting of power
35 facilities.

36 25005. The Legislature further finds and declares that
37 prevention of delays and interruptions in the orderly
38 provision of electrical energy, protection of
39 environmental values, and conservation of energy
40 resources require expanded authority and technical

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1 capability within state government.

2 25006. It is the policy of the state and the intent of the
3 Legislature to establish and consolidate the state's
4 responsibility for energy resources, for encouraging,
5 developing, and coordinating research and development
6 into energy supply and demand problems, and for
7 regulating electrical generating and related transmission
8 facilities.

9 25007. It is further the policy of the state and the
10 intent of the Legislature to employ a range of measures
11 to reduce wasteful, uneconomical, and unnecessary uses
12 of energy, thereby reducing the rate of growth of energy
13 consumption, prudently conserve energy resources, and
14 assure statewide environmental, public safety, and land
15 use goals.

16
17 CHAPTER 2. DEFINITIONS

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19 25100. Unless the context otherwise requires, the
20 definitions in this chapter govern the construction of this
21 division.

22 25101. "Applicant" means any person who submits an
23 application for certification pursuant to the provisions of
24 this division.

25 25102. "Application" means any request for
26 certification of any site and related facility filed in
27 accordance with the procedures established pursuant to
28 this division.

29 25103. "Coastal zone" means the "coastal zone" as
30 defined in Section 27100.

31 25104. "Commission" means the State Energy
32 Resources Conservation and Development Commission.

33 25105. "Construction" means onsite work to install
34 permanent equipment or structure for any facility.
35 "Construction" does not include any of the following:

36 (a) The installation of environmental monitoring
37 equipment.

38 (b) A soil or geological investigation.

39 (c) A topographical survey.

40 (d) Any other study or investigation to determine the

1 environmental acceptability or feasibility of the use of the
2 site for any particular facility.

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

5 25106. "Adviser" means the administrative adviser
6 employed by the commission pursuant to Section 25217.

7 25107. "Electric transmission line" means any electric
8 powerline carrying electric power from a thermal
9 powerplant located within the state to a point of junction
10 with any interconnected transmission system. "Electric
11 transmission line" does not include any replacement on
12 the existing site of existing electric powerlines with
13 electric powerlines equivalent to such existing electric
14 powerlines or the placement of new or additional
15 conductors, insulators, or accessories related to such
16 electric powerlines on supporting structures in existence
17 on the effective date of this division or certified pursuant
18 to this division.

19 25108. "Electric utility" means any person engaged
20 in, or authorized to engage in, generating, transmitting,
21 or distributing electric power by any facilities, including,
22 but not limited to, any such person who is subject to the
23 regulation of the Public Utilities Commission.

24 25109. "Energy" means work or heat that is, or may
25 be, produced from any fuel or source whatsoever.

26 25110. "Facility" means any electric transmission line
27 or thermal powerplant, or both electric transmission line
28 and thermal powerplant, regulated according to the
29 provisions of this division.

30 25111. "Account" means the State Energy Resources
31 Conservation and Development Special Account.

32 25112. "Member" or "member of the commission"
33 means a member of the State Energy Resources
34 Conservation and Development Commission appointed
35 pursuant to Section 25200.

36 25113. "Notice" means the notice of intent, as further
37 defined in Chapter 6 (commencing with Section 25500),
38 which shall state the intention of an applicant to file an
39 application for certification of any site and related
40 facility.

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1 25114. "Interested party" means any person whom
2 the commission finds and acknowledges as having a real
3 and direct interest in any proceeding or action carried
4 on, under, or as a result of the operation of, this division.

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

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

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

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

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

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

24 25121. "Fuel" means petroleum, crude oil, petroleum
25 product, coal, natural gas, or any other substance used
26 primarily for its energy content.

27 25122. "Gas utility" means any person engaged in, or
28 authorized to engage in, distributing or transporting
29 natural gas, including, but not limited to, any such person
30 who is subject to the regulation of the Public Utilities
31 Commission.

32 25123. "Modification of an existing facility" means
33 any alteration, replacement, or improvement of
34 equipment that results in a 50-megawatt or more increase
35 in the electric generating capacity of an existing thermal
36 powerplant or an increase of 25 percent in the peak
37 operating voltage or peak kilowatt capacity of an existing
38 electric transmission line.

CHAPTER 3. STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

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

25201. One member of the commission shall have a background in the field of engineering or physical science and have knowledge of energy supply or conversion systems; one member shall be an attorney and a member of the State Bar of California *with administrative law experience*; one member shall have background and experience in the field of environmental protection or the study of ecosystems; one member shall be an economist with background and experience in the field of natural resource management; and one member shall be from the public at large.

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

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

25204. The Governor shall appoint the members of the commission within 30 days after the effective date of this division. ~~The appointments to the commission shall be confirmed unless the appointment is rejected by a majority vote of all the members of either the Assembly or the Senate within 60 days from the date of appointment by the Governor. Action by either house to reject any appointment shall cause a vacancy in the office to which the appointment was made, and the Governor shall, within 30 days, make another appointment. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of the members elected to the Senate.~~

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

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

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

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

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

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

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

12 25206. The terms of office of the members of the
 13 commission shall be for five years, except that the
 14 members first appointed to the commission shall classify
 15 themselves by lot so that the term of office of one
 16 member shall expire at the end of each *one* of the five
 17 years following the effective date of this division. Any
 18 vacancy shall be filled by the Governor within 30 days of
 19 the date on which a vacancy occurs for the unexpired
 20 portion of the term in which it occurs or for any new term
 21 of office.

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

29 25207. The members of the commission shall receive
 30 an annual salary as prescribed by Section 11552 of the
 31 Government Code.

32 Each member of the commission shall receive the
 33 necessary traveling and other expenses incurred in the
 34 performance of his official duties. When necessary, the
 35 members of the commission and its employees may travel
 36 within or without the state.

37 25208. Before entering upon the duties of his office
 38 each member of the commission shall execute an official
 39 bond to the state in the penal sum of twenty-five
 40 thousand dollars (\$25,000), conditioned upon the faithful

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1 performance of his duties.

2 25209. Each member of the commission shall have
3 one vote. Except as provided in Section 25211, the
4 affirmative votes of at least three members shall be
5 required for the transaction of any business of the
6 commission.

7 25210. The commission may hold any hearings and
8 conduct any investigations in any part of the state
9 necessary to carry out its powers and duties prescribed by
10 this division and for such purposes has the same powers
11 as is conferred upon heads of departments of the state by
12 Article 2 (commencing with Section 11180) of Chapter 2,
13 Part 1, Division 3, Title 2 of the Government Code.

14 25211. The commission may appoint a committee of
15 not less than two members of the commission to carry on
16 investigations, inquiries, or hearings which the
17 commission has power to undertake or to hold. Every
18 order made by such committee pursuant to such inquiry,
19 investigation, or hearing, when approved or confirmed
20 by the commission and ordered filed in its office, shall be
21 the order of the commission.

22 25212. Every two years the Governor shall designate
23 a chairman and vice chairman of the commission from
24 among its members.

25 25213. The commission shall adopt rules and
26 regulations, as necessary, to carry out the provisions of
27 this division in conformity with the provisions of Chapter
28 4.5 (commencing with Section 11371) of Part 1, Division
29 3, Title 2 of the Government Code. The commission shall
30 make available to any person upon request copies of
31 proposed regulations, together with summaries of
32 reasons supporting their adoption.

33 25214. The commission shall maintain its
34 headquarters in the City of Sacramento and may establish
35 branch offices in such parts of the state as the commission
36 deems necessary. The commission shall hold meetings at
37 such times and at such places as shall be determined by
38 it. All meetings and hearings of the commission shall be
39 open to the public, and opportunity to be heard with
40 respect to the subject of the hearings shall be afforded to

1 any person. Upon request, an interested party may be
 2 granted reasonable opportunity to examine any witness
 3 testifying at the hearing. The first meeting of the
 4 commission shall be held within 30 days after the
 5 confirmation of the last member of the commission
 6 pursuant to Section 25204. The Governor shall designate
 7 the time and place for the first meeting of the
 8 commission.

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

14 25216. In addition to other duties specified in this
 15 division, the commission shall do all of the following:

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

26 (b) Collect from electric utilities, gas utilities, and fuel
 27 producers and wholesalers and other sources forecasts of
 28 future supplies and consumption of all forms of energy,
 29 including electricity, and of future energy or fuel
 30 production and transporting facilities to be constructed;
 31 independently analyze such forecasts in relation to
 32 statewide estimates of population, economic, and other
 33 growth factors and in terms of the availability of energy
 34 resources, costs to consumers, and other factors; and
 35 formally specify statewide and service area electrical
 36 energy demands to be utilized as a basis for planning the
 37 siting and design of electric power generating and
 38 related facilities.

39 (c) Carry out, or cause to be carried out, under
 40 contract or other arrangements, research and

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1 development into alternative sources of energy,
2 improvements in energy generation, transmission, and
3 siting, fuel substitution, and other topics related to
4 energy supply, demand, public safety, ecology, and
5 conservation which are of particular statewide
6 importance.

7 25216.3. (a) The commission shall compile relevant
8 local, regional, state, and federal land use, public safety,
9 environmental, and other standards to be met in
10 designing, siting, and operating facilities in the state;
11 except as provided in subdivision (d) of Section 25402,
12 adopt standards, except for air and water quality, to be
13 met in designing or operating facilities to safeguard
14 public health and safety, which may be different from or
15 more stringent than those adopted by local, regional, or
16 other state agencies, or by any federal agency if
17 permitted by federal law; and monitor compliance and
18 ensure that all facilities are operated in accordance with
19 this division.

20 (b) The local, regional, and other state agencies shall
21 advise the commission as to any change in its standards,
22 ordinances, or laws which are pertinent and relevant to
23 the objective of carrying out the provisions of this
24 division.

25 25216.5. The commission shall do all of the following:

26 (a) Prescribe the form and content of applications for
27 facilities; conduct public hearings and take other actions
28 to secure adequate evaluation of applications; and
29 formally act to approve or disapprove applications,
30 including specifying conditions under which approval
31 and continuing operation of any facility shall be
32 permitted.

33 (b) Prepare an integrated plan specifying actions to
34 be taken in the event of an impending serious shortage
35 of energy, or a clear threat to public health, safety, or
36 welfare.

37 (c) Evaluate policies governing the establishment of
38 rates for electric power and other sources of energy as
39 related to energy conservation, environmental
40 protection, and other goals and policies established in this

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1 division, and transmit recommendations for changes in
2 power-pricing policies and rate schedules to the
3 Governor, the Legislature, to the Public Utilities
4 Commission, and to publicly owned electric utilities.

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

9 25217. The commission shall do all of the following:

10 (a) Appoint an executive director *with administration*
11 *and fiscal experience*, who shall serve at its pleasure and
12 whose duties and salary shall be prescribed by the
13 commission.

14 (b) Appoint an administrative adviser, to serve at the
15 pleasure of the commission, who shall be an attorney
16 admitted to practice law in this state, and who shall carry
17 out the provisions of Section 25222, as well as other duties
18 prescribed by the commission.

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

22 25217.5. The chairman of the commission shall direct
23 the adviser, the executive director, and other staff in the
24 performance of their duties in conformance with the
25 policies and guidelines established by the commission.

26 25218. In addition to other powers specified in this
27 division, the commission may do any of the following:

28 (a) Apply for and accept grants, contributions, and
29 appropriations.

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

33 (c) Be sued and sue.

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

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

39 (f) Adopt rules and regulations, or take any action, it
40 deems reasonable and necessary to ensure the free and

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1 open participation of any member of the staff in
2 proceedings before the commission.

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

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

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

23 25221. Upon request of the commission, the Attorney
24 General shall represent the commission and the state in
25 litigation concerning affairs of the commission, unless the
26 Attorney General represents another state agency, in
27 which case the commission shall be authorized to employ
28 other counsel.

29 25222. The adviser shall insure that full and adequate
30 participation by all interested groups and the public at
31 large is secured in the planning, site and facility
32 certification, energy conservation, and emergency
33 allocation procedures provided in this division. The
34 adviser shall insure that timely and complete notice of
35 commission meetings and public hearings is disseminated
36 to all interested groups and to the public at large. The
37 adviser shall also advise such groups and the public as to
38 effective ways of participating in the commission's
39 proceedings. The adviser shall recommend to the
40 commission additional measures to assure open

1 consideration and public participation in energy
2 planning, site and facility certification, energy
3 conservation, and emergency allocation proceedings.

4 25223. The commission shall make available any
5 information filed or submitted pursuant to this division
6 under the provisions of the California Public Records Act,
7 Chapter 3.5 (commencing with Section 6250) of Division
8 7, Title 1 of the Government Code.

9 25224. The commission and other state agencies shall,
10 to the fullest extent possible, exchange records, reports,
11 material, and other information relating to energy
12 resources and conservation and power facilities siting, or
13 any areas of mutual concern, to the end that unnecessary
14 duplication of effort may be avoided.

15
16 CHAPTER 4. PLANNING AND FORECASTING
17

18 25300. Every electric utility in the state shall prepare
19 and transmit to the commission within one year after the
20 effective date of this division, and every two years
21 thereafter, a report specifying 5-, 10-, and 20-year
22 forecasts or assessments of loads and resources for its
23 service area. The report shall set forth the facilities which,
24 as determined by the electric utility, will be required to
25 supply electric power during the forecast or assessment
26 periods. The report shall be in a form specified by the
27 commission and shall include all of the following:

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

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

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

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

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

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

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

21 25301. The commission shall establish and every
22 electric utility shall utilize, for purposes of the report, a
23 common methodology for preparing forecasts of future
24 loads and resources. After applying the commission's
25 established methodology to the mandatory elements of
26 the report specified in Section 25300, any electric utility
27 may transmit to the commission supplementary
28 information and forecasts based upon an alternative
29 methodology. If such alternate methodology is employed,
30 the electric utility shall fully describe the data and other
31 components of the methodology, and shall specify the
32 reasons why the approach is considered more accurate
33 than that established by the commission. *The commission*
34 *may waive the requirements of subdivision (d) or (g) of*
35 *Section 25300 for any electric utility which the*
36 *commission determines is not primarily engaged in the*
37 *business of generating or selling electricity, when the*
38 *commission determines that the collection and*
39 *accumulation of any such information from such electric*
40 *utilities is unnecessary for purposes of carrying out the*

1 *provisions of this chapter.*

2 25302. Upon receipt of a report required under
3 Section 25300 from an electric utility, the commission
4 shall forward copies thereof to the Legislature, the Public
5 Utilities Commission, the Secretary of the Resources
6 Agency, the Director of the Office of Planning and
7 Research, and other concerned state and federal
8 agencies. The report shall also be made available, at cost,
9 to any person upon request. The commission shall also
10 forward copies of the report to each city and county
11 within the service area covered by the report, and shall
12 request that the city and county review and comment on
13 the report in relation to estimates of population growth
14 and economic development, patterns of land use and
15 open space, and and conservation and other appropriate
16 elements of the adopted city or county general plan. A
17 copy of the report shall be maintained on file for public
18 inspection in each county.

19 25303. For a period of four months after the receipt of
20 the reports required under Section 25300 the commission
21 shall receive the comments of any person on the reports.
22 Within such period, the Public Utilities Commission shall
23 submit its independent evaluation and analysis of the
24 reports to the commission.

25 25304. The commission shall review and evaluate the
26 electric utilities' forecasts of loads and resources, and the
27 comments of the Public Utilities Commission on such
28 forecasts, in relation to the population growth estimates
29 prepared by the Department of Finance, Population
30 Research Unit, and in relation to statewide and regional
31 land use, transportation, and economic development
32 programs and forecasts. The commission shall also
33 examine the implications of the forecast level of loads and
34 resources on, among other things, all of the following:

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

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

40 (c) Capital requirements for new facilities and costs to

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1 consumers of electricity and other forms of energy.

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

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

9 25305. Within six months after receipt of the reports
10 specified in Section 25300, the commission shall prepare
11 and distribute a preliminary report, setting forth its
12 findings and conclusions regarding the accuracy and
13 acceptability of the electric utilities' forecasts. The report
14 shall be based upon information and views presented in
15 the comments received under Section 25303 and the
16 commission's independent analysis, and shall contain all
17 of the following:

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

25 (b) Any proposed alternative methods for meeting
26 the electrical energy requirements identified by the
27 electric utilities.

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

33 (d) Identification, on a statewide and service area
34 basis, of required electric facilities consistent with the
35 anticipated level of demand, both before and after
36 consideration of the possible impacts of recommended
37 conservation measures.

38 (e) An analysis and evaluation of the means by which
39 the projected annual rate of demand growth of electrical
40 energy may be reduced, together with an estimate of the

1 amount of such reduction to be obtained by each of the
 2 means analyzed and evaluated, including a statement of
 3 the impact of such reduction on the factors reviewed by
 4 the commission set forth in Section 25304 and subdivision
 5 (a) of this section.

6 25306. The commission shall distribute the report
 7 required under Section 25305 to the same persons, and
 8 under the same conditions, as prescribed in Section
 9 25302.

10 25307. Within three months after distribution of the
 11 commission's preliminary report pursuant to Section
 12 25305, the commission shall hold public hearings of which
 13 at least one shall be in the City of Sacramento to obtain
 14 the views and comments of the electric utilities,
 15 governmental agencies, private groups, and any other
 16 person on the commission's proposals and
 17 recommendations in the preliminary report.

18 25308. Within 12 months after receipt of the reports
 19 required in Section 25300, the commission shall include
 20 within its biennial report to the Governor and the
 21 Legislature, as specified in Section 25309, its final report
 22 on the accuracy and acceptability of the electric utilities'
 23 forecasts and on the commission's independent analyses
 24 and evaluations, as specified in Section 25305.

25 25309. Beginning January 1, 1977, and every two years
 26 thereafter, the commission shall transmit to the Governor
 27 and the Legislature a comprehensive report designed to
 28 identify emerging trends related to energy supply,
 29 demand, and conservation and public health and safety
 30 factors, to specify the level of statewide and service area
 31 electrical energy demand for each year in the
 32 forthcoming 5-, 10-, and 20-year periods, and to provide
 33 the basis for state policy and actions in relation thereto,
 34 including, but not limited to, approval of new sites for
 35 additional facilities. The report shall include, but not be
 36 limited to, all of the following:

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

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1 economic growth, shifts in transportation modes,
2 modifications in building types and design, and other
3 trends and factors which, as determined by the
4 commission, will significantly affect energy consumption
5 and need to be considered in formulating state energy
6 policy and programs.

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

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

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

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

33 (e) A list, including maps, of possible areas
34 appropriate for additional electrical generating sites,
35 including the generating capacity to be installed at the
36 sites and the type of fuel and other general characteristics
37 of the facilities which, as determined by the commission,
38 will be required to meet the 10-year level of electrical
39 energy demand established by the commission as
40 specified in subdivision (b) of this section.

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

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

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

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

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

37 (k) Recommendations to the Governor and the
 38 Legislature for administrative and legislative actions
 39 based on the results of commission studies and
 40 evaluations as specified in this section and in Chapter 5

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9 CHAPTER 5. EN

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36 (f) Comparison
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1 (commencing with Section 25400).

2 (1) A list, including maps, of sites and potential
3 multiple facility sites which have been found to be
4 acceptable by the commission pursuant to Sections 25516
5 and 25516.5, including the generating capacity to be
6 installed at the site and the type of fuel and other general
7 characteristics of the facilities at such sites.

8
9 CHAPTER 5. ENERGY RESOURCES CONSERVATION

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

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

- 29 (a) Pricing of electricity and other forms of energy.
30 (b) Improved building design and insulation.
31 (c) Restriction of promotional activities designed to
32 increase the use of electrical energy by consumers.
33 (d) Improved appliance efficiency.
34 (e) Advances in power generation and transmission
35 technology.
36 (f) Comparisons in the efficiencies of alternative
37 methods of energy utilization.

38 The commission shall survey pursuant to this section all
39 forms of energy on which to base its recommendations to
40 the Governor and Legislature for elimination of waste or

1 increases in efficiency for sources or uses of energy. The
 2 commission shall transmit to the Governor and the
 3 Legislature, as part of the biennial report specified in
 4 Section 25309, recommendations for state policy and
 5 actions for the orderly development of all potential
 6 sources of energy to meet the state's needs, including, but
 7 not limited to, fossil fuels and solar, nuclear, and
 8 geothermal energy resources, and to reduce wasteful and
 9 inefficient uses of energy.

10 25402. Within 18 months after the effective date of
 11 this division, the commission shall, after one or more
 12 public hearings, do all of the following, in order to reduce
 13 the wasteful, uneconomic, inefficient, or unnecessary
 14 consumption of energy:

15 (a) Prescribe, by regulation, lighting, insulation,
 16 climate control systems, and other building design and
 17 construction standards which increase the efficient use of
 18 energy. Such standards shall be economically feasible in
 19 that the resultant savings in energy procurement costs
 20 shall be greater than the cost of the energy conserving
 21 requirements amortized over the economic life of the
 22 building. In prescribing standards for insulation, the
 23 commission shall take into consideration the standards
 24 developed pursuant to Chapter 11 (commencing with
 25 Section 19870) of Part 3, Division 13 of the Health and
 26 Safety Code: *No, which standards shall only be operative*
 27 *until the date one year after the date that the commission*
 28 *adopts regulations for energy insulation for residential*
 29 *buildings pursuant to this subdivision. One year after the*
 30 *commission adopts the regulations pursuant to this*
 31 *subdivision, no city, county, city and county, or state*
 32 *agency shall approve issue any building permit unless*
 33 *the standards prescribed by the commission pursuant to*
 34 *this section are satisfied. Whenever the provisions of this*
 35 *subdivision and the provisions of Chapter 11.5*
 36 *(commencing with Section 19878) of Part 3 of Division 13*
 37 *of the Health and Safety Code, as to adoption and*
 38 *enforcement of standards for "nonresidential buildings"*
 39 *as defined by Section 19878.1 of the Health and Safety*
 40 *Code, are in conflict, the commission shall be governed*

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1 *by the provisions of such chapter of the Health and Safety*
2 *Code to the extent of such conflict.*

3 (b) Recommend per unit energy requirement
4 allotments based on square footage for various classes of
5 buildings which would reduce the growth rate of
6 electrical energy consumption and which are technically
7 feasible and will provide adequate safeguards for public
8 health, safety, and welfare. No city, county, city ~~or~~ and
9 county, or state agency shall issue any permit for the
10 construction of any building unless the applicant certifies
11 that consideration has been given to such energy
12 requirement allotments, which certification shall include
13 a statement specifying the extent to which conformance
14 with the relevant recommended allotment will be
15 achieved.

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

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

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1 *Whenever the provisions of this section and the*
2 *provisions of Chapter 11.5 (commencing with Section*
3 *19878) of Part 3 of Division 13 of the Health and Safety*
4 *Code are in conflict, the commission shall be governed by*
5 *the provisions of such chapter of the Health and Safety*
6 *Code to the extent of such conflict.*

7 25403. The commission shall submit to the Public
8 Utilities Commission and to any publicly owned electric
9 utility, recommendations designed to reduce wasteful,
10 unnecessary, or uneconomic energy consumption
11 resulting from practices including, but not limited to,
12 differential rate structures, cost-of-service allocations, the
13 disallowance of a business expense of advertising or
14 promotional activities which encourage the use of
15 electrical power, peakload pricing, and other pricing
16 measures. The Public Utilities Commission or publicly
17 owned electric utility shall review and consider such
18 recommendations and shall, within six months after the
19 date it receives them, as prescribed by this section, report
20 to the Governor and the Legislature its actions and
21 reasons therefor with respect to such recommendations.

22 25404. The commission shall cooperate with the
23 Office of Planning and Research, the Resources Agency
24 and other interested parties in developing procedures to
25 ensure that mitigation measures to minimize wasteful,
26 inefficient, and unnecessary consumption of energy are
27 included in all environmental impact reports required on
28 local projects as specified in Section 21151.

29 25405. A city, county, or city and county may by
30 ordinance or resolution prescribe a schedule of fees
31 sufficient to pay the costs incurred in the enforcement of
32 standards adopted pursuant to this chapter.

34 CHAPTER 6. POWER FACILITY AND SITING
35 CERTIFICATION

36
37 25500. In accordance with the provisions of this
38 division, the commission shall have the exclusive power
39 to certify all sites and related facilities in the state, except
40 for any site and related facility proposed to be located in

1 the permit area
2 or a change of
3 issuance of a certificate
4 of any permit,
5 by any state, local, or
6 to the extent permitted by
7 site and related facilities
8 applicable state, local, or regional
9 local, or regional
10 permitted by law

11 After the effective date
12 of any facility or project
13 be commenced
14 any such site or project
15 prescribed in this division

16 25500.5. The commission shall
17 and related facilities
18 supply of electric energy
19 demand projects
20 statewide and local
21 adopted pursuant to this division

22 25501. The commission shall
23 any site and related facilities
24 following requirements

25 (a) For a permit
26 issued a certificate
27 before the effective date

28 (b) For a permit
29 within three years

30 25501.3. A site or project
31 deemed to be a
32 commence work
33 this division

34 Section 25501

35 (a) The permit
36 capacity are
37 either set forth in
38 and 3 of the
39 Commission
40 in a report or

1 the permit area, whether a new site and related facility
2 or a change or addition to an existing facility. The
3 issuance of a certificate by the commission shall be in lieu
4 of any permit, certificate, or similar document required
5 by any state, local or regional agency, or federal agency
6 to the extent permitted by federal law, for such use of the
7 site and related facilities, and shall supersede any
8 applicable statute, ordinance, or regulation of any state,
9 local, or regional agency, or federal agency to the extent
10 permitted by federal law.

11 After the effective date of this division, no construction
12 of any facility or modification of any existing facility shall
13 be commenced without first obtaining certification for
14 any such site and related facility by the commission, as
15 prescribed in this division.

16 25500.5. The commission shall certify sufficient sites
17 and related facilities which are required to provide a
18 supply of electric power sufficient to accommodate the
19 demand projected in the most recent forecast of
20 statewide and service area electric power demands
21 adopted pursuant to subdivision (b) of Section 25309.

22 25501. The provisions of this chapter do not apply to
23 any site and related facility which meets either of the
24 following requirements:

25 (a) For which the Public Utilities Commission has
26 issued a certificate of public convenience and necessity
27 before the effective date of this division.

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

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

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

1 (b) The need to commence construction within three
2 years from the effective date of this division is reasonably
3 related to the planned operating date of such site and
4 related facility.

5 (c) Substantial funds have been expended or
6 committed for planning, site investigations, site
7 acquisition, or equipment procurement for such site and
8 related facility prior to the effective date of this division.

9 25501.5. The Legislature finds and declares that the
10 following proposed sites and facilities with the associated
11 estimated generating capacities meet the requirements
12 of subdivision (b) of Section 25501:

13 (a) As designated in the report of the Pacific Gas and
14 Electric Company submitted to the Public Utilities
15 Commission on March 1, 1974, in response to Sections 2
16 and 3 of General Order 131 of the Public Utilities
17 Commission, three gas turbine powerplants, each having
18 a generating capacity of 52 megawatts, commonly known
19 as Potrero Unit 4, Potrero Unit 5 and Potrero Unit 6, to
20 be located in the City and County of San Francisco; a gas
21 turbine powerplant having a generating capacity of 52
22 megawatts, commonly known as Hunters Point Unit 1, to
23 be located in the City and County of San Francisco; a gas
24 turbine powerplant having a generating capacity of 200
25 megawatts, commonly known as Station C; a geothermal
26 powerplant having a generating capacity of 106
27 megawatts, commonly known as Geysers Unit 12, to be
28 located in Sonoma County; a geothermal powerplant
29 having a generating capacity of 110 megawatts,
30 commonly known as Geysers Unit 14, to be located in
31 Sonoma County; a geothermal powerplant having a
32 generating capacity of 55 megawatts, commonly known
33 as Geysers Unit 15, to be located in Sonoma County; a
34 geothermal powerplant having a generating capacity of
35 135 megawatts, commonly known as Geysers Unit 13, to
36 be located in Lake County; a geothermal powerplant
37 having a generating capacity of 110 megawatts, planned
38 for operation in 1978, to be located in Sonoma County or
39 Lake County; a geothermal powerplant having a
40 generating capacity of 110 megawatts, planned for

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1 operation in 1979, to be located in Sonoma County or
2 Lake County; a combined-cycle powerplant having a
3 generating capacity of 800 megawatts, commonly known
4 as Thermal 78, to be located in Contra Costa County near
5 the City of Pittsburg; two combined-cycle powerplants,
6 each having a generating capacity of 800 megawatts,
7 commonly known as Thermal 79 and Thermal 81, to be
8 located in Contra Costa County or Solano County; and a
9 nuclear powerplant having a generating capacity of 1,100
10 megawatts, commonly known as Nuclear A to be located
11 in Region 1, as shown on page 27 of the report of the
12 Pacific Gas and Electric Company submitted March 1,
13 1974, in response to Sections 2 and 3 of General Order 131
14 of the Public Utilities Commission, or at the location
15 commonly known as Diablo Canyon in San Luis Obispo
16 County.

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

38 (c) As described in the report of the San Diego Gas
39 and Electric Company submitted to the Public Utilities
40 Commission on March 22, 1974, in response to Sections 2

1 and 3 of General Order 131 of the Public Utilities
 2 Commission, two gas turbine powerplants, each having a
 3 generating capacity of 64 megawatts, commonly known
 4 as South Bay Gas Turbine Unit 3 and South Bay Gas
 5 Turbine Unit 4, to be located in San Diego County; a
 6 fossil-fueled powerplant having a generating capacity of
 7 292 megawatts, commonly known as Encina Unit 5, to be
 8 located in San Diego County; a combined-cycle
 9 powerplant having a generating capacity of 404
 10 megawatts, planned for operation in 1979, to be located
 11 in San Diego County; and a nuclear powerplant having a
 12 generating capacity of 1,200 megawatts, commonly
 13 known as the Desert Nuclear Project, to be located in
 14 Riverside County.

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

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

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

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

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1 (h) Two geothermal powerplants, each having a
2 generating capacity of 110 megawatts, presently planned
3 to be constructed by the Northern California Power
4 Agency and located in Sonoma County.

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

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

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

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

38 25502.3. Except as provided in Section 25501.7, any
39 person proposing to construct a facility excluded from the
40 provisions of this chapter may waive such exclusion by

1 submitting to the commission a notice of intention to file
 2 an application for certification, and any and all of the
 3 provisions of this chapter shall apply to the construction
 4 of such facility.

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

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

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

40 25504.5. An applicant may, in the notice, propose a

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1 site to be approved which will accommodate a potential
2 maximum electric generating capacity in excess of the
3 capacity being proposed for the initial approval of the
4 commission. If such a proposal is made, the notice shall
5 include, but not be limited to, in addition to the
6 information specified in Section 25504, all of the
7 following:

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

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

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

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

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

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

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

1 expertise.

2 25506.5. The commission shall request the Public
3 Utilities Commission, for sites and related facilities
4 requiring a certificate of public convenience and
5 necessity, to make comments and recommendations
6 regarding the design, operation, and location of the
7 facilities designated in the notice in relation to the
8 economic, financial, rate, system reliability, and service
9 implications of the proposed facilities.

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

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

38 25509. The commission shall conduct a public
39 informational hearing or hearings in the county of the
40 proposed sites and related facilities no earlier than 60 nor

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1 later than 90 days from receipt of a notice of intention to
2 file an application. The place of such public informational
3 hearing or hearings shall be as close as practicable to the
4 proposed sites. Any person may participate to the extent
5 deemed reasonable and relevant by the presiding
6 member of the commission, in any such hearing. Such
7 hearings on the original three sites and related facilities
8 shall be concluded within 90 days of their
9 commencement. Such hearings shall be conducted in
10 order to accomplish all of the following purposes:

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

13 (b) To provide knowledge and understanding of
14 proposed facilities and sites.

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

20 (d) To solicit information regarding reasonable
21 alternative sources of the electric generating capacity or
22 energy to be provided by alternative sites and related
23 facilities, or combinations thereof, which will better carry
24 out the policies and objectives of this division.

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

39 25511. The commission shall review the factors
40 related to safety and reliability of the facilities at each of

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

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

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

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

38 (2) Applicable local, regional, state, and federal
 39 standards, ordinances, and laws.

40 (b) The relative merit of each alternative site and

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1 related facility proposal designated in the notice or
2 presented at a public hearing and considered by the
3 commission.

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

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

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

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

23 (1) The 10-year forecast of statewide and service area
24 electric power demands adopted pursuant to subdivision
25 (b) of Section 25309, except as provided in Section
26 25514.5.

27 (2) The provisions of any state law or local or regional
28 ordinance or regulation, including any long-range land
29 use plans or guidelines adopted by the state or by any
30 local or regional planning agency, which would be
31 applicable but for the exclusive authority of the
32 commission to certify sites and related facilities; and the
33 standards adopted by the commission pursuant to Section
34 25216.3.

35 (b) Any findings and comments submitted by the
36 California Coastal Zone Conservation Commission or any
37 regional coastal zone conservation commission regarding
38 conformity of any siting alternative proposed in the
39 coastal zone with policies, regulations, or guidelines
40 established by the commission. Such findings and

1 comments, however, shall not constitute approval of any
2 permit required from any regional coastal zone
3 conservation commission or California Coastal Zone
4 Conservation Commission on appeal.

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

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

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

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

39 25515. No later than 30 days after the final report is
40 distributed, a hearing or hearings on the final report shall

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1 be commenced. Such hearings shall be concluded within
2 30 days of their commencement.

3 25516. The approval of the notice by the commission
4 shall be based upon findings pursuant to Section 25514.
5 The commission's decision shall be issued within 60 days
6 after the conclusion of the hearings on the final report.
7 The notice shall not be approved unless the commission
8 finds at least two alternative site and related facility
9 proposals considered in the commission's final report as
10 acceptable. If the commission does not find at least two
11 sites and related facilities acceptable, additional sites and
12 related facilities may be proposed by the applicant which
13 shall be considered in the same manner as those proposed
14 in the original notice.

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

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

36 25516.5. On a notice which proposes an expanded
37 ultimate electric generating capacity for a site, the
38 commission may, based upon findings pursuant to Section
39 25514, either approve the notice only for the initial
40 facility or facilities proposed for operation within the

1 forthcoming 10-year period or may approve the notice
2 for the initial facility or facilities and find the site
3 acceptable for additional generating capacity of the type
4 tentatively proposed. The maximum allowable amount
5 and type of such additional capacity shall be determined
6 by the commission.

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

15 25517. Except as provided in Sections 25501 and
16 25501.3, after the effective date of this division, no
17 construction of any thermal powerplant or electric
18 transmission line shall be commenced by any electric
19 utility without first obtaining certification as prescribed
20 in this division. Any onsite improvements not qualifying
21 as construction may be required to be restored as
22 determined by the commission as necessary to protect
23 the environment, if certification is denied.

24 25518. Except as provided in subdivision (b) of
25 Section 25501, the Public Utilities Commission shall issue
26 no certificate of public convenience and necessity for a
27 site or related electrical facilities unless the utility has
28 obtained a certificate from the commission.

29 25518.5. Nothing in this division shall preclude the
30 concurrent initiation of an application for a certificate of
31 public convenience and necessity from the Public
32 Utilities Commission subject to the condition specified in
33 Section 25518.

34 25519. (a) In order to obtain certification for a site
35 and related facility, an application for certification of such
36 site and related facility shall be filed with the commission.
37 Such application shall be in a form prescribed by the
38 commission and shall be filed with the commission no
39 later than 18 months before any construction is to
40 commence. Such application shall be for a site and

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1 related facility which has been found to be acceptable by
2 the commission pursuant to Section 25516, or for an
3 additional facility at a site which has been designated a
4 potential multiple-facility site pursuant to Section 25514.5
5 and found to be acceptable pursuant to Sections 25516
6 and 25516.5. An application for an additional facility at a
7 potential multiple-facility site shall be subject to the
8 conditions and review specified in Section 25520.5. An
9 application may not be filed for a site and related facility,
10 if there is no suitable alternative for the site and related
11 facility which was previously found to be acceptable by
12 the commission, unless the commission has approved the
13 notice based on the one site as specified in Section 25516.

14 (b) The commission, upon its own motion or in
15 response to the request of any party, may require the
16 applicant to submit any information, document, or data,
17 in addition to the attachments required by subdivision
18 (i), which it determines is reasonably necessary to make
19 any decision on the application.

20 (c) Upon receipt of the application, the commission
21 shall undertake studies and investigations necessary to
22 comply with the environmental impact reporting
23 procedures established pursuant to Section 21100. For
24 purposes of preparation and approval of the
25 environmental impact report on a proposed site and
26 related facility, the commission shall be the lead agency
27 as provided in Section 21165, except as to any site and
28 related facility proposed to be located within the permit
29 area if a permit from the California Coastal Zone
30 Conservation Commission is required. Except as
31 otherwise provided in Division 13 (commencing with
32 Section 21000), the environmental impact report shall be
33 completed within one year after receipt of the
34 application.

35 (d) If the site and related facility specified in the
36 application is proposed to be located in the coastal zone
37 and a permit is required from the California Coastal Zone
38 Conservation Commission, the commission shall transmit
39 a copy of the application to the California Coastal Zone
40 Conservation Commission for its review and comments.

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

12 (f) Upon receipt of an application, the commission
13 shall cause a summary of the application to be published
14 in a newspaper of general circulation in the county in
15 which the site and related facilities, or any part thereof,
16 designated in the application, is proposed to be located.
17 The commission shall transmit a copy of the application
18 to each federal and state agency having jurisdiction or
19 special interest in matters pertinent to the proposed site
20 and related facilities, and to the Attorney General.

21 (g) The advisor shall require that adequate notice is
22 given to the public and that the procedures specified by
23 this division are complied with.

24 (h) For any proposed site and related facility
25 requiring a certificate of public convenience and
26 necessity, the commission shall transmit a copy of the
27 application to the Public Utilities Commission and
28 request the comments and recommendations of the
29 Public Utilities Commission on the economic, financial,
30 rate, system reliability, and service implications of the
31 proposed site and related facility. In the event the
32 commission requires modification of the proposed
33 facility, the commission shall consult with the Public
34 Utilities Commission regarding the economic, financial,
35 rate, system reliability, and service implications of such
36 modifications.

37 (i) The commission shall transmit a copy of the
38 application to any governmental agency not specifically
39 mentioned in this act, but which it finds has any
40 information or interest in the proposed site and related

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1 facilities, and shall invite the comments and
2 recommendations of each such agency. The commission
3 shall request any relevant laws, ordinances, or regulations
4 which any such agency has promulgated or administered.

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

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

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

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

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

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

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

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

37 (g) A description of any electric transmission lines
38 including the estimated cost of the proposed electric
39 transmission line; a map in suitable scale of the proposed
40 routing showing details of the rights-of-way in the vicinity

1 of settled areas, parks, recreational areas, and scenic
2 areas, and existing transmission lines within one mile of
3 the proposed route; and justification for the route and a
4 preliminary description of the effect of the proposed
5 electric transmission line on the environment, ecology,
6 and scenic, historic and recreational values.

7 25520.5. (a) In reviewing an application for an
8 additional facility at a potential multiple-facility site, the
9 commission shall undertake a reconsideration of its prior
10 determinations in the final report on the notice for the
11 site issued pursuant to Section 25514, based on current
12 conditions and other reasonable and feasible alternatives
13 to the proposed facility.

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

24 (c) The decision of the commission on an application
25 for an additional facility at a potential multiple-facility
26 site receiving a favorable determination pursuant to
27 subdivision (b) of this section shall be issued within 24
28 months after the filing of the application or at such later
29 time as is mutually agreed upon by the commission and
30 the applicant.

31 25521. No earlier than 90 nor later than 240 days after
32 the date of the filing of an application, the commission
33 shall commence a public hearing or hearings thereon in
34 Sacramento, San Francisco, Los Angeles, or San Diego,
35 whichever city is nearest the proposed site. Additionally,
36 the commission may hold a hearing or hearings in the
37 county in which the proposed site and related facilities
38 are to be located.

39 25522. Except as provided in subdivision (c) of
40 Section 25520.5, within 18 months of the filing of an

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1 application for certification or at such later time as is
2 mutually agreed by the commission and the applicant,
3 the commission shall issue a written decision as to such
4 application.

5 25523. The commission shall prepare a written
6 decision after a public hearing or hearings on an
7 application, which shall include all of the following:

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

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

28 (c) Provision for restoring the site as necessary to
29 protect the environment, if the commission denies
30 approval of the application.

31 (d) Findings regarding the conformity of the
32 proposed facility with the 10-year forecast of statewide
33 and service area electric power demands adopted
34 pursuant to subdivision (b) of Section 25309.

35 25524. The commission shall not certify any facility
36 contained in the application, unless its findings with
37 respect to subdivision (d) of Section 25523 are in the
38 affirmative.

39 25524.5. The commission shall not certify any facility
40 which adds generating capacity to a potential

1 multiple-facility site in excess of the maximum allowable
 2 capacity established by the commission pursuant to
 3 Section 25516.5, unless the commission finds that
 4 exceeding the maximum allowable capacity will not
 5 increase adverse environmental impacts or create
 6 technological, seismic, or other difficulties beyond those
 7 already found acceptable in the commission's findings on
 8 the notice for that site pursuant to Sections 25516 and
 9 25516.5.

10 25525. The commission shall not certify any facility
 11 contained in the application when it finds, pursuant to
 12 subdivision (b) of Section 25523, that the facility does not
 13 conform with any applicable state, local, or regional
 14 standards, ordinances, or laws, unless the commission
 15 determines that such facility is required for public
 16 convenience and necessity and that there are not more
 17 prudent and feasible means of achieving such public
 18 convenience and necessity. In no event shall the
 19 commission make any finding in conflict with applicable
 20 federal law or regulation. The basis for such findings shall
 21 be reduced to writing and submitted as part of the record
 22 pursuant to Section 25523.

23 25526. The commission may certify any facility
 24 contained in the application which is proposed to be
 25 located, in whole or in part, within the permit area unless
 26 a permit from the California Coastal Zone Conservation
 27 Commission is required, in which case such permit shall
 28 be obtained before the certificate may be granted.
 29 Approval of a permit by any regional coastal zone
 30 conservation commission, or the California Coastal Zone
 31 Conservation Commission on appeal, shall not affect the
 32 authority of the commission to deny certification for any
 33 facility contained in the application, as provided in this
 34 division.

35 25527. The following areas of the state shall not be
 36 approved as a site for a facility, unless the commission
 37 finds that such use is not inconsistent with the primary
 38 uses of such lands and that there will be no substantial
 39 adverse environmental effects and the approval of any
 40 public agency having ownership or control of such lands

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1 is obtained:

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

6 (b) Estuaries in an essentially natural and
7 undeveloped state.

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

17 25528. (a) The commission shall require, as a
18 condition of certification of any site and related facility,
19 that the applicant acquire, by grant or contract, the right
20 to prohibit development of privately owned lands in the
21 area of the proposed site which will result in population
22 densities in excess of the maximum population densities
23 which the commission determines, *as to the factors*
24 *considered by the commission pursuant to Section 25511,*
25 *are necessary to protect public health and safety. The*
26 *power of condemnation is hereby granted to the*
27 *applicant to acquire such development rights and the*
28 *requirement of the commission that any such rights be*
29 *acquired is a conclusive finding of the public necessity of*
30 *such condemnation ; provided, however, that nothing in*
31 *this division grants or extends a right of condemnation to*
32 *any person or applicant who has not otherwise been*
33 *granted such right under any other provision of law prior*
34 *to the effective date of this division .*

35 (b) In the case of an application for a nuclear facility,
36 the area and population density necessary to insure the
37 public's health and safety designated by the commission
38 shall be that as determined from time to time by the
39 United States Atomic Energy Commission, if the
40 commission finds that such determination is sufficiently

1 definitive for valid land use planning requirements.

2 (c) The commission shall waive the requirements of
3 the acquisition of development rights by an applicant to
4 the extent that the commission finds that existing
5 governmental land use restrictions are of a type
6 necessary and sufficient to guarantee the maintenance of
7 population levels and land use development over the
8 lifetime of the facility which will insure the public health
9 and safety requirements set pursuant to this section.

10 (d) No change in governmental land use restrictions
11 in such areas designated in subdivision (c) of this section
12 by any government agency shall be effective until
13 approved by the commission. Such approval shall certify
14 that the change in land use restrictions is not in conflict
15 with requirements provided for by this section.

16 (e) It is not the intent of the Legislature by the
17 enactment of this section to take private property for
18 public use without payment of just compensation in
19 violation of the United States Constitution or the
20 Constitution of California.

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

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

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1 on petition of any party.

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

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

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

23 (b) No new or additional evidence may be introduced
24 upon review and the cause shall be heard on the record
25 of the commission as certified to by it. The review shall
26 not be extended further than to determine whether the
27 commission has regularly pursued its authority, including
28 a determination of whether the order or decision under
29 review violates any right of the petitioner under the
30 United States Constitution or the California Constitution.
31 The findings and conclusions of the commission on
32 questions of fact shall be final and shall not be subject to
33 review, except as provided in this article. Such questions
34 of fact shall include ultimate facts and the findings and
35 conclusions of the commission. A report prepared by , or
36 *an approval of, the commission pursuant to Section 25510,*
37 *25514, 25516, or 25516.5, or subdivision (b) of Section*
38 *25520.5, shall not constitute a decision of the commission*
39 *subject to judicial review; except as it relates to the*
40 *certification of an application .*

1 (c) Subject to the right of judicial review of decisions
 2 of the commission, no court in this state shall have
 3 jurisdiction to hear or determine any case or controversy
 4 concerning any matter which was, or could have been,
 5 determined in a proceeding before the commission, or to
 6 stop or delay the construction or operation of any thermal
 7 powerplant except to enforce compliance with the
 8 provisions of a decision of the commission.

9 25532. The commission shall establish a monitoring
 10 system to assure that any facility certified under this
 11 division is constructed and is operating in compliance
 12 with air and water quality, public health and safety, and
 13 other applicable regulations, guidelines, and conditions
 14 adopted or established by the commission or specified in
 15 the written decision on the application. In designing and
 16 operating the monitoring system, the commission shall
 17 seek the cooperation and assistance of the State Air
 18 Resources Board, the State Water Resources Control
 19 Board, the Department of Health, and other state,
 20 regional, and local agencies which have an interest in
 21 environmental control.

22 25534. The commission may after hearings amend the
 23 conditions of, or revoke the certification for, any facility
 24 for any of the following reasons:

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

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

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

35 25535. Such cost as the applicant incurs to comply
 36 with the decision of the commission shall be allowed for
 37 ratemaking purposes.

38 25536. Pending completion of the statewide and
 39 service area forecasts of electric power demand specified
 40 in Section 25309, the commission shall utilize as an

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1 interim forecast for purposes of determining the
2 acceptability of alternative site and related facility
3 proposals as provided in subdivision (a) of Section 25514
4 and subdivision (d) of Section 25523, the 10-year forecast
5 of loads and resources prepared by the Public Utilities
6 Commission from reports required or submitted as of
7 March 31, 1974, under Sections 2 and 3 of General Order
8 131 of the Public Utilities Commission. On the first June
9 1st and the second June 1st following the effective date
10 of this division, the commission shall commence public
11 hearings, at least one of which shall be in the City of
12 Sacramento. Any person may participate in any such
13 hearings. The hearing shall be conducted to secure the
14 views and comments of the public, the electric utilities,
15 other state and federal agencies, and city and county
16 governments regarding revision of the interim forecasts
17 based on the considerations specified in Section 25304
18 and on updated information regarding forecast loads and
19 resources submitted by any electric utility. Such hearings
20 shall be concluded within 30 days from the date of their
21 commencement. Within 60 days of the conclusion of the
22 hearings specified in this section, the commission shall
23 issue a final report specifying the revisions, if any, to the
24 interim forecast. The report shall be based upon the
25 information and views presented at the public hearings
26 and the commission's independent analysis.

27 25537. Upon approval of an application, the
28 commission shall forward to the Atomic Energy
29 Commission, the Environmental Protection Agency, and
30 to other appropriate federal agencies, the results of its
31 studies including the environmental impact report on the
32 facility, the written decision on the facility contained in
33 the application, and the commission's determination of
34 facility safety and reliability as provided in Section 25511.

35 25538. Upon receiving the commission's request for
36 review under subdivision (e) of Section 25519 and
37 Section 25506, the local agency may request a fee from
38 the commission to reimburse the local agency for the
39 actual and added costs of such review by the local agency.
40 The commission shall reimburse the local agency for such

1 added costs that shall be actually incurred by the local
2 agency in complying with the commission's request. The
3 commission may request a fee from the person proposing
4 the project or may devote a special fund in its budget for
5 the reimbursement of costs incurred by local agencies.

6 25539. In reviewing notices and applications for
7 certification of modifications of existing facilities, the
8 commission shall adopt rules and regulations as necessary
9 to insure that relevant duties pursuant to this division are
10 carried out.

11 25540. If a person proposes to construct a geothermal
12 powerplant and related facility or facilities on a site, the
13 commission shall not require three alternative sites and
14 related facilities to be proposed in the notice. In
15 considering the proposed construction of a geothermal
16 powerplant and related facilities on a site, the
17 commission shall issue its findings on the notice as
18 specified in Section 25516 within nine months from the
19 date of filing of such notice, and shall issue its final and
20 decision on the application as specified in Section 25523
21 within nine months from the date of filing of the
22 application for certification, or at such later time as ~~it~~ *is*
23 mutually agreed by the commission and the applicant or
24 person submitting the notice.

25 25541. The commission may exempt from the
26 provisions of this chapter thermal powerplants with a
27 generating capacity of up to 100 megawatts and
28 modifications to existing generating facilities which do
29 not add capacity in excess of 100 megawatts, if the
30 commission finds both of the following:

31 (a) No substantial adverse impact on the environment
32 or energy resources will result from the construction or
33 operation of the proposed facility or from the
34 modifications.

35 (b) Generating capacity will not be added which is
36 substantially in excess of the forecast of electrical energy
37 demands adopted pursuant to subdivision (b) of Section
38 25309.

39 25542. In the case of any site and related facility or
40 facilities for which the provisions of this division do not

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1 apply, the exclusive power given to the commission
2 pursuant to Section 25500 to certify sites and related
3 facilities shall not be in effect.

4
5 CHAPTER 7. RESEARCH AND DEVELOPMENT
6

7 25600. The commission shall develop and coordinate
8 a program of research and development in energy
9 supply, consumption, and conservation and the
10 technology of siting facilities and shall give priority to
11 those forms of research and development which are of
12 particular importance to the state, including, but not
13 limited to, all of the following:

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

16 (b) Increased energy use efficiencies of existing
17 thermal electric and hydroelectric powerplants and
18 increased energy efficiencies in designs of thermal
19 electric and hydroelectric powerplants.

20 (c) Exploration and accelerated development of
21 alternative sources of energy, including geothermal and
22 solar energy resources.

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

25 (e) Improved methods of energy demand forecasting.

26 25601. The commission shall carry out technical
27 assessment studies on all forms of energy and energy
28 related problems, in order to influence federal research
29 and development priorities and to be informed on future
30 energy options and their impacts, including, in addition
31 to those problems specified in Section 25600, but not
32 limited to, the following:

33 (a) Advanced nuclear powerplant concepts, fusion,
34 and fuel cells.

35 (b) Total energy concepts.

36 (c) New technology related to coastal and offshore
37 siting of facilities.

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

40 (e) Improved methods of power transmission to

1 permit interstate and interregional transfer and
2 exchange of bulk electric power.

3 (f) Measures to reduce wasteful and inefficient uses of
4 energy.

5 (g) Shifts in transportation modes and changes in
6 transportation technology in relation to implications for
7 energy consumption.

8 (h) Methods of recycling, extraction, processing,
9 fabricating, handling, or disposing of materials, especially
10 materials which require large commitments of energy.

11 (i) Expanded recycling of materials and its effect on
12 energy consumption.

13 (j) Implications of government subsidies and taxation
14 and ratesetting policies.

15 (k) Utilization of waste heat.

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

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

19 Such assessments may also be conducted in order to
20 determine which energy systems among competing
21 technologies are most compatible with standards
22 established pursuant to this division.

23 25602. For research purposes, the commission shall, in
24 cooperation with other state agencies, participate in the
25 design, construction, and operation of energy conserving
26 buildings using data developed pursuant to Section 25401,
27 in order to demonstrate the economic and technical
28 feasibility of such designs.

29 25603. Beginning with, and for, the 1976-77 fiscal
30 year, the commission shall submit to the Governor for
31 inclusion in the state budget an integrated program of
32 proposed research and development and technical
33 assessment projects set forth on an item-by-item basis
34 including the priority items established in Sections 25600,
35 25601, and 25602. The commission shall describe for each
36 item the objectives and anticipated end product of each
37 project, funding and staff requirements, timing and other
38 information which is necessary to describe the projects
39 adequately. As part of each submission, the commission
40 shall describe the progress of its programs.

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1 25604. For purposes of carrying out the provisions of
2 this chapter, the commission may contract with any
3 person for materials and services that cannot be
4 performed by its staff or other state agencies, and may
5 apply for federal grants or any other funding.
6

7 CHAPTER 8. ENERGY SHORTAGE
8 CONTINGENCY PLANNING
9

10 25700. The commission shall, in accordance with the
11 provisions of this chapter, develop contingency plans to
12 deal with possible shortages of electrical energy or fuel
13 supplies to protect public health, safety, and welfare.

14 25701. (a) Within six months after the effective date
15 of this division, each electric utility, gas utility, and fuel
16 wholesaler or manufacturer in the state shall prepare and
17 submit to the commission a proposed emergency load
18 curtailment plan or emergency energy supply
19 distribution plan setting forth proposals for identifying
20 priority loads or users in the event of a sudden and serious
21 shortage of fuels or interruption in the generation of
22 electricity.

23 (b) The commission shall encourage electric utilities
24 to cooperate in joint preparation of an emergency load
25 curtailment plan or emergency energy distribution plan.
26 If such a cooperative plan is developed between two or
27 more electric utilities, such utilities may submit such joint
28 plans to the commission in place of individual plans
29 required by subdivision (a) of this section.

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

35 25702. The commission shall, after one or more public
36 hearings, review the emergency load curtailment
37 program plans or emergency energy supply distribution
38 plans submitted pursuant to Section 25701, and, within
39 one year after the effective date of this division, the
40 commission shall approve and recommend to the

1 Governor and the Legislature plans for emergency load
 2 curtailment and energy supply distribution in the event
 3 of a sudden energy shortage. Such plans shall be based
 4 upon the plans presented by the electric utilities, gas
 5 utilities, and fuel wholesalers or manufacturers,
 6 information provided by other governmental agencies,
 7 independent analysis and study by the commission and
 8 information provided at the hearing or hearings. Such
 9 plans shall provide for the provision of essential services,
 10 the protection of public health, safety, and welfare, and
 11 the maintenance of a sound basic state economy.
 12 Provision shall be made in such plans to eliminate
 13 wasteful, uneconomic, and unnecessary uses of energy in
 14 times of shortages and to differentiate curtailment of
 15 energy consumption by users on the basis of ability to
 16 accommodate such curtailments. Such plans shall also
 17 specify the authority of and recommend the appropriate
 18 actions of state and local governmental agencies in
 19 dealing with energy shortages.

20 25703. Within four months after the date of
 21 certification of any new facility, the commission shall
 22 review and revise the recommended plans based on
 23 additional new capacity attributed to any such facility.
 24 The commission shall, after one or more public hearings,
 25 review the plans at least every five years from the
 26 approval of the initial plan as specified in Section 25702.

27 25704. The commission shall carry out studies to
 28 determine if potential serious shortages of electrical,
 29 natural gas, or other sources of energy are likely to occur
 30 and shall make recommendations to the Governor and
 31 the Legislature concerning administrative and legislative
 32 actions required to avert possible energy supply
 33 emergencies or serious fuel shortages, including, but not
 34 limited to, energy conservation and energy development
 35 measures, to grant authority to specific governmental
 36 agencies or officers to take actions in the event of a
 37 sudden energy shortage, and to clarify and coordinate
 38 existing responsibilities for energy emergency actions.

39 25705. If the commission determines that all
 40 reasonable conservation, allocation, and service

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1 restriction measures will not alleviate an energy supply
 2 emergency, and upon a declaration by the Governor or
 3 by an act of the Legislature *that a threat to public health*
 4 *safety, safety, and welfare exists and requires immediate*
 5 *action, the commission may authorize the construction*
 6 *and use of generating facilities not to exceed 250*
 7 *megawatts net electrical generating capacity per unit*
 8 *under such terms and conditions as specified by the*
 9 *commission to protect the public interest.*

10 Within 60 days after the authorization of construction
 11 and use of such generating facilities, the commission shall
 12 issue a report detailing the full nature, extent, and
 13 estimated duration of the emergency situation and
 14 making recommendations to the Governor and the
 15 Legislature for further energy conservation and energy
 16 supply measures to alleviate the emergency situation as
 17 alternatives to use of such generating facilities.

18 The commission shall include, among the
 19 recommendations specified in Section 25704, suggestions
 20 for modifying the maximum size limit for generating
 21 facilities specified in this section.

22
 23 **CHAPTER 9. STATE ENERGY RESOURCES CONSERVA-**
 24 **TION AND DEVELOPMENT SPECIAL ACCOUNT**
 25

26 25800. There is in the General Fund in the State
 27 Treasury the State Energy Resources Conservation and
 28 Development Special Account. On and after the effective
 29 date of this division, each electric utility shall add a
 30 surcharge of one-tenth of a mill (\$0.0001) per
 31 kilowatt-hour to the cost of electric power sold to
 32 consumers in the state: ~~After January 1, 1976, the~~
 33 ~~commission may, if necessary to provide funds for~~
 34 ~~projects authorized by the Legislature, increase the~~
 35 ~~surcharge by not more than one-tenth of a mill (\$0.0001)~~
 36 ~~per kilowatt-hour after due notice and one or more~~
 37 ~~public hearings; provided, however, that after January~~
 38 ~~1, 1976, the State Board of Equalization shall establish a~~
 39 ~~surcharge rate in accordance with the following schedule~~
 40 ~~which shall be sufficient to provide the revenue~~

1 necessary to fund expenditures from the account
 2 appropriated by the Legislature in the Budget Act for the
 3 1975-76 fiscal year and each fiscal year thereafter; and
 4 provided, further, that such increases shall become
 5 effective on September 1 of the year in which the State
 6 Board of Equalization establishes that an increase or
 7 decrease in accordance with the following schedule is
 8 necessary to produce sufficient revenues to fund the
 9 appropriations contained in the Budget Act:

10
 11 *Schedule.*

- 12
- 13 *One-tenth of a mill (\$0.0001).*
- 14 *Eleven hundredths of a mill (\$0.00011).*
- 15 *Twelve hundredths of a mill (\$0.00012).*
- 16 *Thirteen hundredths of a mill (\$0.00013).*
- 17 *Fourteen hundredths of a mill (\$0.00014).*
- 18 *Fifteen hundredths of a mill (\$0.00015).*
- 19 *Sixteen hundredths of a mill (\$0.00016).*
- 20 *Seventeen hundredths of a mill (\$0.00017).*
- 21 *Eighteen hundredths of a mill (\$0.00018).*
- 22 *Nineteen hundredths of a mill (\$0.00019).*
- 23 *Two-tenths of a mill (\$0.0002).*

24
 25 *The State Board of Equalization shall notify every*
 26 *electric utility of the rate established pursuant to this*
 27 *section, and every electric utility shall report all*
 28 *surcharges in the manner and on the forms as prescribed*
 29 *by the State Board of Equalization.*

30 **25801.** (a) *The Public Utilities Commission shall*
 31 *require every electrical corporation, as defined in Section*
 32 *218 of the Public Utilities Code, in the state to make*
 33 *quarterly payments, commencing on January 1, of each*
 34 *year, to the State Treasurer of all funds received pursuant*
 35 *to this division, less administrative costs incurred in*
 36 *collecting and transferring such funds to the state. The*
 37 *amount of funds retained by any electrical corporation*
 38 *for administrative costs shall not exceed 1.5 percent of the*
 39 *total funds collected by any such corporation.*

40 (b) *Every electric utility, except an electric utility*

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1 which is an electrical corporation within the meaning of
2 subdivision (a), shall make quarterly payments,
3 commencing on January 1 of each year, to the State
4 Treasurer of all funds received pursuant to this division,
5 less administrative costs incurred in collecting and
6 transferring such funds to the state. The amount of funds
7 retained by any electric utility for administrative costs
8 shall not exceed 1.5 percent of the total funds collected
9 by any such utility.

10 *25801. Every electric utility shall make quarterly*
11 *payments, commencing on April 1, 1975, to the State*
12 *Board of Equalization of all surcharges applicable under*
13 *the provisions of Section 25800.*

14 *25802. Each person who submits to the commission a*
15 *notice of intent for any proposed generating facility shall*
16 *accompany the notice with a fee of one cent (\$0.01) per*
17 *kilowatt of net electric capacity of the proposed*
18 *generation facility. Such fee shall only be paid on one of*
19 *the alternate proposed facility sites which has the highest*
20 *electrical designed capacity. In no event shall such fee be*
21 *less than one thousand dollars (\$1,000) nor more than*
22 *twenty-five thousand dollars (\$25,000).*

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

27 *Such fees shall be paid into the account.*

28 *25803. All the moneys received pursuant to the*
29 *provisions of this division shall be deposited in the*
30 *account and shall be subject to state auditing procedure.*
31 *The moneys in the account shall be expended, without*
32 *regard to fiscal years, for purposes of carrying out the*
33 *provisions of this division, when appropriated by the*
34 *Legislature.*

35 *25803. All funds received by the State Board of*
36 *Equalization pursuant to Sections 25800 and 25801, and*
37 *the funds received by the commission pursuant to*
38 *Section 25802, shall be remitted to the State Treasurer for*
39 *deposit in the account. All funds in the account shall be*
40 *expended for purposes of carrying out the provisions of*

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1 *this division, when appropriated by the Legislature in the*
2 *Budget Act.*

3
4 CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

5
6 25900. Except as provided in Section 25531, whenever
7 the commission finds that any provision of this division is
8 violated or a violation is threatening to take place which
9 constitutes an emergency requiring immediate action to
10 protect the public health, welfare, or safety, the Attorney
11 General, upon request of the commission, shall petition a
12 court to enjoin such violation. The court shall have
13 jurisdiction to grant such prohibitory or mandatory
14 injunctive relief as may be warranted by way of
15 temporary restraining order, preliminary injunction, and
16 permanent injunction.

17 25901. (a) Within 30 days after the commission issues
18 its determination on any matter specified in this division,
19 except as provided in Section 25531, any aggrieved
20 person may file with the superior court a petition for a
21 writ of mandate for review thereof. Failure to file such an
22 action shall not preclude a person from challenging the
23 reasonableness and validity of a decision in any judicial
24 proceedings brought to enforce such decision for other
25 civil remedies.

26 (b) The evidence before the court shall consist of the
27 record before the commission, and any other relevant
28 facts which, in the judgment of the court, should be
29 considered in determining the validity of any decision of
30 the commission.

31 (c) Except as otherwise provided herein, the
32 provisions of subdivisions (e) and (f) of Section 1094.5 of
33 the Code of Civil Procedure shall govern proceedings
34 pursuant to this section.

35 25902. Any evaluations in the reports required by
36 Sections 25309 and 25536 and any findings and
37 determinations on the notice of intent pursuant to
38 Chapter 6 (commencing with Section 25500) of this
39 division shall not be construed as a final evaluation,
40 finding, or determination by the commission and a court

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1 action may not be brought to review any such evaluation,
2 finding, or determination.

3 25903. If any provision of subdivision (a) of Section
4 25531, with respect to judicial review of the decision on
5 certification of a site and related facility, is held invalid,
6 judicial review of such decisions shall be conducted in the
7 superior court subject to the conditions of subdivision (b)
8 of Section 25531. The superior court shall grant priority in
9 setting such matters for review, and the appeals from any
10 such review shall be given preference in hearings in the
11 Supreme Court and courts of appeal.

12 *SEC. 3. Chapter 11 (commencing with Section 19870)*
13 *of Part 3 of Division 13 of the Health and Safety Code is*
14 *repealed.*

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

27 (a) *The duties, obligations or responsibilities imposed*
28 *on local governmental entities as consumers of electric*
29 *power in the form of the special surcharge are minor in*
30 *nature and will not cause any financial burden on local*
31 *government.*

32 (b) *Self-financing authority is provided in the form of*
33 *rate increases by Section 12809 of the Public Utilities*
34 *Code.*

35 (c) *The Legislature recognizes that during any*
36 *legislative session a variety of changes to laws relating to*
37 *crimes and infractions may cause both increased and*
38 *decreased costs to local governmental entities which in*
39 *the aggregate, do not result in significant identifiable cost*
40 *changes.*

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

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

13 ~~SEC. 6~~ *SEC. 7.* This act shall become operative on
14 January 7, 1975 ; *except that Section 3 of this act shall not*
15 *become operative until the date one year after the date*
16 *the State Energy Resources Conservation and*
17 *Development Commission adopts regulations for energy*
18 *insulation for residential buildings pursuant to*
19 *subdivision (a) of Section 25402 of the Public Resources*
20 *Code .*