

AMENDED IN SENATE MAY 2, 1974  
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 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  
(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 shall be no reimbursement pursuant to Section 2231 of the Revenue and Taxation Code nor shall there be any appropriation made by this act, for specified

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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:

28  
29 DIVISION 15. ENERGY CONSERVATION AND  
30 DEVELOPMENT

CHAPTER 1. TITLE AND GENERAL PROVISIONS

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

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

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

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

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

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

25006. It is the policy of the state and the intent of the Legislature to establish and consolidate the state's

responsibility for developing and regulating energy facilities.

25007. The intent of this act is to reduce the consumption of energy, to assure state energy use goals.

25100. The definition of this division.

25101. The application of this division.

25102. The certification of this division.

25103. The definition of this division.

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1 responsibility for energy resources, for encouraging,  
2 developing, and coordinating research and development  
3 into energy supply and demand problems, and for  
4 regulating electrical generating and related transmission  
5 facilities.  
6 25007. It is further the policy of the state and the  
7 intent of the Legislature to employ a range of measures  
8 to reduce wasteful, uneconomical, and unnecessary uses  
9 of energy, thereby reducing the rate of growth of energy  
10 consumption, prudently conserve energy resources, and  
11 assure statewide environmental, public safety, and land  
12 use goals.  
13

14 CHAPTER 2. DEFINITIONS

15  
16 25100. Unless the context otherwise requires, the  
17 definitions in this chapter govern the construction of this  
18 division.

19 25101. "Applicant" means any person who submits an  
20 application for certification pursuant to the provisions of  
21 this division.

22 25102. "Application" means any request for  
23 certification of any site and related facility filed in  
24 accordance with the procedures established pursuant to  
25 this division.

26 25103. "Coastal zone" means the "coastal zone" as  
27 defined in Section 27100.

28 25104. "Commission" means the State Energy  
29 Resources Conservation and Development Commission.

30 25105. "Construction" means onsite work to install  
31 permanent equipment or structure for any facility.  
32 "Construction" does not include any of the following:

- 33 (a) The installation of environmental monitoring
- 34 equipment.
- 35 (b) A soil or geological investigation.
- 36 (c) A topographical survey.
- 37 (d) Any other study or investigation to determine the
- 38 environmental acceptability or feasibility of the use of the
- 39 site for any particular facility.
- 40 (e) Any work to provide access to a site for any of the

1 purposes specified in subdivision (a), (b), (c), or (d).  
 2 25106. "Adviser" means the administrative adviser  
 3 employed by the commission pursuant to Section 25217.  
 4 25107. "Electric transmission line" means any electric  
 5 powerline carrying electric power from a thermal  
 6 powerplant located within the state to a point of junction  
 7 with any interconnected transmission system. "Electric  
 8 transmission line" does not include any replacement on  
 9 the existing site of existing electric powerlines with  
 10 electric powerlines equivalent to such existing electric  
 11 powerlines or the placement of new or additional  
 12 conductors, insulators, or accessories related to such  
 13 electric powerlines on supporting structures in existence  
 14 on the effective date of this division or certified pursuant  
 15 to this division.  
 16 25108. "Electric utility" means any person engaged  
 17 in, or authorized to engage in, generating, transmitting,  
 18 or distributing electric power by any facilities, including,  
 19 but not limited to, any such person who is subject to the  
 20 regulation of the Public Utilities Commission.  
 21 25109. "Energy" means work or heat that is, or may  
 22 be, produced from any fuel or source whatsoever.  
 23 25110. "Facility" means any electric transmission line  
 24 or thermal powerplant, or both electric transmission line  
 25 and thermal powerplant, regulated according to the  
 26 provisions of this division.  
 27 25111. "Account" means the State Energy Resources  
 28 Conservation and Development Special Account.  
 29 25112. "Member" or "member of the commission"  
 30 means a member of the State Energy Resources  
 31 Conservation and Development Commission appointed  
 32 pursuant to Section 25200.  
 33 25113. "Notice" means the notice of intent, as further  
 34 defined in Chapter 6 (commencing with Section 25500),  
 35 which shall state the intention of an applicant to file an  
 36 application for certification of any site and related  
 37 facility.  
 38 25114. "Interested party" means any person whom  
 39 the commission finds and acknowledges as having a real  
 40 and direct interest in any proceeding or action carried

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1 on, under, or as a result of the operation of, this division.  
2 25115. "Permit area" means the "permit area" as  
3 defined in Section 27104.

4 25116. "Person" means any person, firm, association,  
5 organization, partnership, business trust, corporation, or  
6 company. "Person" also includes any city, county, public  
7 district or agency, the state or any department or agency  
8 thereof, and the United States to the extent authorized by  
9 federal law.

10 25117. "Plan" means the Emergency Load  
11 Curtailment and Energy Distribution Plan.

12 25118. "Service area" means any contiguous  
13 geographic area serviced by the same electric utility.

14 25119. "Site" means any location on which a facility is  
15 constructed or is proposed to be constructed.

16 25120. "Thermal powerplant" means any stationary  
17 or floating electrical generating facility using any source  
18 of thermal energy, with a generating capacity of 50  
19 megawatts or more, and any facilities appurtenant  
20 thereto.

21 25121. "Fuel" means petroleum, crude oil, petroleum  
22 product, coal, natural gas, or any other substance used  
23 primarily for its energy content.

24 25122. "Gas utility" means any person engaged in, or  
25 authorized to engage in, distributing or transporting  
26 natural gas, including, but not limited to, any such person  
27 who is subject to the regulation of the Public Utilities  
28 Commission.

29 25123. "Modification of an existing facility" means  
30 any alteration, replacement, or improvement of  
31 equipment that results in a 50-megawatt or more increase  
32 in the electric generating capacity of an existing thermal  
33 powerplant or an increase of 25 percent in the peak  
34 operating voltage or peak kilowatt capacity of an existing  
35 electric transmission line.

36  
37 CHAPTER 3. STATE ENERGY RESOURCES  
38 CONSERVATION AND DEVELOPMENT COMMISSION

39  
40 25200. There is in the Resources Agency the State

1 Energy Resources Conservation and Development  
2 Commission, consisting of five members appointed by  
3 the Governor subject to Section 25204.

4 25201. One member of the commission shall have a  
5 background in the field of engineering or physical  
6 science and have knowledge of energy supply or  
7 conversion systems; one member shall be an attorney and  
8 a member of the State Bar of California with  
9 administrative law experience; one member shall have  
10 background and experience in the field of environmental  
11 protection or the study of ecosystems; one member shall  
12 be an economist with background and experience in the  
13 field of natural resource management; and one member  
14 shall be from the public at large.

15 25202. The Secretary of the Resources Agency and  
16 the President of the Public Utilities Commission shall be  
17 ex officio, nonvoting members of the commission, whose  
18 presence shall not be counted for a quorum or for vote  
19 requirements.

20 25203. Each member of the commission shall  
21 represent the state at large and not any particular area  
22 thereof, and shall serve on a full-time basis.

23 25204. The Governor shall appoint the members of  
24 the commission within 30 days after the effective date of  
25 this division. Every appointment made by the Governor  
26 to the commission shall be subject to the advice and  
27 consent of a majority of the members elected to the  
28 Senate.

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

40 (b) Except as provided in Section 25202, the members

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1 of the commission shall not hold any other elected or  
2 appointed public office or position.

3 (c) The members of the commission and all employees  
4 of the commission shall comply with all applicable  
5 provisions of Section 19251 of the Government Code.

6 (d) No person who is a member or employee of the  
7 commission shall participate personally and substantially  
8 as a member or employee of the commission, through  
9 decision, approval, disapproval, recommendation, the  
10 rendering of advice, investigation, or otherwise, in a  
11 judicial or other proceeding, hearing, application,  
12 request for a ruling, or other determination, contract,  
13 claim, controversy, study, plan, or other particular matter  
14 in which, to his knowledge, he, his spouse, minor child, or  
15 partner, or any organization in which he is serving, or has  
16 served as officer, director, trustee, partner, or employee  
17 while serving as a member or employee of the  
18 commission or within two years prior to his appointment  
19 as a member of the commission, has a direct or indirect  
20 financial interest.

21 (e) No person who is a partner, employer, or  
22 employee of a member or employee of the commission  
23 shall act as an attorney, agent, or employee for any person  
24 other than the state in connection with any judicial or  
25 other proceeding, hearing, application, request for a  
26 ruling, or other determination, contract, claim,  
27 controversy, study, plan, or other particular matter in  
28 which the commission is a party or has a direct and  
29 substantial interest.

30 (f) The provisions of this section shall not apply if the  
31 Attorney General finds that the interest of the member  
32 or employee of the commission is not so substantial as to  
33 be deemed likely to affect the integrity of the services  
34 which the state may expect from such member or  
35 employee.

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

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1 25206. The terms of office of the members of the  
 2 commission shall be for five years, except that the  
 3 members first appointed to the commission shall classify  
 4 themselves by lot so that the term of office of one  
 5 member shall expire at the end of each one of the five  
 6 years following the effective date of this division. Any  
 7 vacancy shall be filled by the Governor within 30 days of  
 8 the date on which a vacancy occurs for the unexpired  
 9 portion of the term in which it occurs or for any new term  
 10 of office.

11 If the Governor fails to make an appointment for any  
 12 vacancy within such 30-day period, the Senate Rules  
 13 Committee may make the appointment to fill the  
 14 vacancy for the unexpired portion of the term in which  
 15 the vacancy occurred or for any new term of office,  
 16 subject to the provisions of Section 25204.

17 25207. The members of the commission shall receive  
 18 an annual salary as prescribed by Section 11552 of the  
 19 Government Code.

20 Each member of the commission shall receive the  
 21 necessary traveling and other expenses incurred in the  
 22 performance of his official duties. When necessary, the  
 23 members of the commission and its employees may travel  
 24 within or without the state.

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

30 25209. Each member of the commission shall have  
 31 one vote. Except as provided in Section 25211, the  
 32 affirmative votes of at least three members shall be  
 33 required for the transaction of any business of the  
 34 commission.

35 25210. The commission may hold any hearings and  
 36 conduct any investigations in any part of the state  
 37 necessary to carry out its powers and duties prescribed by  
 38 this division and for such purposes has the same powers  
 39 as is conferred upon heads of departments of the state by  
 40 Article 2 (commencing with Section 11180) of Chapter 2,

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1 Part 1, Division 3, Title 2 of the Government Code.

2 25211. The commission may appoint a committee of  
3 not less than two members of the commission to carry on  
4 investigations, inquiries, or hearings which the  
5 commission has power to undertake or to hold. Every  
6 order made by such committee pursuant to such inquiry,  
7 investigation, or hearing, when approved or confirmed  
8 by the commission and ordered filed in its office, shall be  
9 the order of the commission.

10 25212. Every two years the Governor shall designate  
11 a chairman and vice chairman of the commission from  
12 among its members.

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

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

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

1 corruption or incompetency.  
 2 25216. In addition to other duties specified in this  
 3 division, the commission shall do all of the following:  
 4 (a) Undertake a continuing assessment of trends in  
 5 the consumption of electrical energy and other forms of  
 6 energy and analyze the social, economic, and  
 7 environmental consequences of these trends; carry out  
 8 directly, or cause to be carried out, energy conservation  
 9 measures specified in Chapter 5 (commencing with  
 10 Section 25400) of this division; and recommend to the  
 11 Governor and the Legislature new and expanded energy  
 12 conservation measures as required to meet the objectives  
 13 of this division.  
 14 (b) Collect from electric utilities, gas utilities, and fuel  
 15 producers and wholesalers and other sources forecasts of  
 16 future supplies and consumption of all forms of energy,  
 17 including electricity, and of future energy or fuel  
 18 production and transporting facilities to be constructed;  
 19 independently analyze such forecasts in relation to  
 20 statewide estimates of population, economic, and other  
 21 growth factors and in terms of the availability of energy  
 22 resources, costs to consumers, and other factors; and  
 23 formally specify statewide and service area electrical  
 24 energy demands to be utilized as a basis for planning the  
 25 siting and design of electric power generating and  
 26 related facilities.  
 27 (c) Carry out, or cause to be carried out, under  
 28 contract or other arrangements, research and  
 29 development into alternative sources of energy,  
 30 improvements in energy generation, transmission, and  
 31 siting, fuel substitution, and other topics related to  
 32 energy supply, demand, public safety, ecology, and  
 33 conservation which are of particular statewide  
 34 importance.  
 35 25216.3. (a) The commission shall compile relevant  
 36 local, regional, state, and federal land use, public safety,  
 37 environmental, and other standards to be met in  
 38 designing, siting, and operating facilities in the state;  
 39 except as provided in subdivision (d) of Section 25402,  
 40 adopt standards, except for air and water quality, to be

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1 met in designing or operating facilities to safeguard  
2 public health and safety, which may be different from or  
3 more stringent than those adopted by local, regional, or  
4 other state agencies, or by any federal agency if  
5 permitted by federal law; and monitor compliance and  
6 ensure that all facilities are operated in accordance with  
7 this division.

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

13 25216.5. The commission shall do all of the following:

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

21 (b) Prepare an integrated plan specifying actions to  
22 be taken in the event of an impending serious shortage  
23 of energy, or a clear threat to public health, safety, or  
24 welfare.

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

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

37 25217. The commission shall do all of the following:

38 (a) Appoint an executive director with administration  
39 and fiscal experience, who shall serve at its pleasure and  
40 whose duties and salary shall be prescribed by the

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1 commission.

2 (b) Appoint an administrative adviser, to serve at the  
3 pleasure of the commission, who shall be an attorney  
4 admitted to practice law in this state, and who shall carry  
5 out the provisions of Section 25222, as well as other duties  
6 prescribed by the commission.

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

10 25217.5. The chairman of the commission shall direct  
11 the adviser, the executive director, and other staff in the  
12 performance of their duties in conformance with the  
13 policies and guidelines established by the commission.

14 25218. In addition to other powers specified in this  
15 division, the commission may do any of the following:

16 (a) Apply for and accept grants, contributions, and  
17 appropriations.

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

21 (c) Be sued and sue.

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

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

27 (f) Adopt rules and regulations, or take any action, it  
28 deems reasonable and necessary to ensure the free and  
29 open participation of any member of the staff in  
30 proceedings before the commission.

31 25218.5. The provisions specifying any power or duty  
32 of the commission shall be liberally construed, in order to  
33 carry out the objectives of this division.

34 25219. As to any matter involving the federal  
35 government, its departments or agencies, which is within  
36 the scope of the power and duties of the commission, the  
37 commission may represent its interest or the interest of  
38 any county, city, state agency, or public district upon its  
39 request, and to that end may correspond, confer, and  
40 cooperate with the federal government, its departments

1 or agencies.

2 25220. The commission may participate as a party, to  
3 the extent that it shall determine, in any proceeding  
4 before any federal or state agency having authority  
5 whatsoever to approve or disapprove any aspect of a  
6 proposed facility, receive notice from any applicant of all  
7 applications and pleadings filed subsequently by such  
8 applicants in any of such proceedings, and, by its request,  
9 receive copies of any of such subsequently filed  
10 applications and pleadings that it shall deem necessary.

11 25221. Upon request of the commission, the Attorney  
12 General shall represent the commission and the state in  
13 litigation concerning affairs of the commission, unless the  
14 Attorney General represents another state agency, in  
15 which case the commission shall be authorized to employ  
16 other counsel.

17 25222. The adviser shall insure that full and adequate  
18 participation by all interested groups and the public at  
19 large is secured in the planning, site and facility  
20 certification, energy conservation, and emergency  
21 allocation procedures provided in this division. The  
22 adviser shall insure that timely and complete notice of  
23 commission meetings and public hearings is disseminated  
24 to all interested groups and to the public at large. The  
25 adviser shall also advise such groups and the public as to  
26 effective ways of participating in the commission's  
27 proceedings. The adviser shall recommend to the  
28 commission additional measures to assure open  
29 consideration and public participation in energy  
30 planning, site and facility certification, energy  
31 conservation, and emergency allocation proceedings.

32 25223. The commission shall make available any  
33 information filed or submitted pursuant to this division  
34 under the provisions of the California Public Records Act,  
35 Chapter 3.5 (commencing with Section 6250) of Division  
36 7, Title 1 of the Government Code.

37 25224. The commission and other state agencies shall,  
38 to the fullest extent possible, exchange records, reports,  
39 material, and other information relating to energy  
40 resources and conservation and power facilities siting, or

1 any areas of mutual concern, to the end that unnecessary  
2 duplication of effort may be avoided.

3

4 CHAPTER 4. PLANNING AND FORECASTING

5

6 25300. Every electric utility in the state shall prepare  
7 and transmit to the commission within one year after the  
8 effective date of this division, and every two years  
9 thereafter, a report specifying 5-, 10-, and 20-year  
10 forecasts or assessments of loads and resources for its  
11 service area. The report shall set forth the facilities which,  
12 as determined by the electric utility, will be required to  
13 supply electric power during the forecast or assessment  
14 periods. The report shall be in a form specified by the  
15 commission and shall include all of the following:

16 (a) A tabulation of estimated peak loads, resources,  
17 and reserve margins for each year during the 5- and  
18 10-year forecast or assessment periods, and an estimate of  
19 peak load, resources, and reserve margins for the last year  
20 in the 20-year forecast or assessment period.

21 (b) A list of existing electric generating plants in  
22 service, with a description of planned and potential  
23 generating capacity at existing sites.

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

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

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

40 (f) An annual load duration curve and a forecast of

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1 anticipated peak loads for each forecast or assessment  
2 period for the residential, commercial, industrial, and  
3 such other major demand sectors in the service area of  
4 the electric utility as the commission shall determine.

5 (g) A description of projected population growth,  
6 urban development, industrial expansion, and other  
7 growth factors influencing increased demand for electric  
8 energy and the bases for such projections.

9 25301. The commission shall establish and every  
10 electric utility shall utilize, for purposes of the report, a  
11 common methodology for preparing forecasts of future  
12 loads and resources. After applying the commission's  
13 established methodology to the mandatory elements of  
14 the report specified in Section 25300, any electric utility  
15 may transmit to the commission supplementary  
16 information and forecasts based upon an alternative  
17 methodology. If such alternate methodology is employed,  
18 the electric utility shall fully describe the data and other  
19 components of the methodology, and shall specify the  
20 reasons why the approach is considered more accurate  
21 than that established by the commission. The commission  
22 may waive the requirements of subdivision (d) or (g) of  
23 Section 25300 for any electric utility which the  
24 commission determines is not primarily engaged in the  
25 business of generating or selling electricity, when the  
26 commission determines that the collection and  
27 accumulation of any such information from such electric  
28 utilities is unnecessary for purposes of carrying out the  
29 provisions of this chapter.

30 25302. Upon receipt of a report required under  
31 Section 25300 from an electric utility, the commission  
32 shall forward copies thereof to the Legislature, the Public  
33 Utilities Commission, the Secretary of the Resources  
34 Agency, the Director of the Office of Planning and  
35 Research, and other concerned state and federal  
36 agencies. The report shall also be made available, at cost,  
37 to any person upon request. The commission shall also  
38 forward copies of the report to each city and county  
39 within the service area covered by the report, and shall  
40 request that the city and county review and comment on

1 the report in relation to estimates of population growth  
2 and economic development, patterns of land use and  
3 open space, and and conservation and other appropriate  
4 elements of the adopted city or county general plan. A  
5 copy of the report shall be maintained on file for public  
6 inspection in each county.

7 25303. For a period of four months after the receipt of  
8 the reports required under Section 25300 the commission  
9 shall receive the comments of any person on the reports.  
10 Within such period, the Public Utilities Commission shall  
11 submit its independent evaluation and analysis of the  
12 reports to the commission.

13 25304. The commission shall review and evaluate the  
14 electric utilities' forecasts of loads and resources, and the  
15 comments of the Public Utilities Commission on such  
16 forecasts, in relation to the population growth estimates  
17 prepared by the Department of Finance, Population  
18 Research Unit, and in relation to statewide and regional  
19 land use, transportation, and economic development  
20 programs and forecasts. The commission shall also  
21 examine the implications of the forecast level of loads and  
22 resources on, among other things, all of the following:

23 (a) Critical environmental and other resources of the  
24 state, including air and water quality, coastal, natural, and  
25 other unique areas, and energy resources.

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

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

30 (d) Other significant factors which relate to the  
31 provision of electrical energy in the amounts and in the  
32 manner proposed by the electric utilities.

33 The commission shall also consider reasonable  
34 alternative methods to those proposed by the electric  
35 utilities to meet forecasted electrical energy  
36 requirements.

37 25305. Within six months after receipt of the reports  
38 specified in Section 25300, the commission shall prepare  
39 and distribute a preliminary report, setting forth its  
40 findings and conclusions regarding the accuracy and

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1 acceptability of the electric utilities' forecasts. The report  
2 shall be based upon information and views presented in  
3 the comments received under Section 25303 and the  
4 commission's independent analysis, and shall contain all  
5 of the following:

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

13 (b) Any proposed alternative methods for meeting  
14 the electrical energy requirements identified by the  
15 electric utilities.

16 (c) The anticipated 5- and 10-year level of demand for  
17 energy to be utilized as a basis for certification of  
18 facilities, and an anticipated 20-year level of demand for  
19 energy to be utilized as a basis for recommending energy  
20 conservation policies and actions.

21 (d) Identification, on a statewide and service area  
22 basis, of required electric facilities consistent with the  
23 anticipated level of demand, both before and after  
24 consideration of the possible impacts of recommended  
25 conservation measures.

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

34 25306. The commission shall distribute the report  
35 required under Section 25305 to the same persons, and  
36 under the same conditions, as prescribed in Section  
37 25302.

38 25307. Within three months after distribution of the  
39 commission's preliminary report pursuant to Section  
40 25305, the commission shall hold public hearings of which

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1 at least one shall be in the City of Sacramento to obtain  
2 the views and comments of the electric utilities,  
3 governmental agencies, private groups, and any other  
4 person on the commission's proposals and  
5 recommendations in the preliminary report.

6 25308. Within 12 months after receipt of the reports  
7 required in Section 25300, the commission shall include  
8 within its biennial report to the Governor and the  
9 Legislature, as specified in Section 25309, its final report  
10 on the accuracy and acceptability of the electric utilities'  
11 forecasts and on the commission's independent analyses  
12 and evaluations, as specified in Section 25305.

13 25309. Beginning January 1, 1977, and every two years  
14 thereafter, the commission shall transmit to the Governor  
15 and the Legislature a comprehensive report designed to  
16 identify emerging trends related to energy supply,  
17 demand, and conservation and public health and safety  
18 factors, to specify the level of statewide and service area  
19 electrical energy demand for each year in the  
20 forthcoming 5-, 10-, and 20-year periods, and to provide  
21 the basis for state policy and actions in relation thereto,  
22 including, but not limited to, approval of new sites for  
23 additional facilities. The report shall include, but not be  
24 limited to, all of the following:

25 (a) An overview, looking 20 years ahead, of statewide  
26 growth and development as they relate to future  
27 requirements for energy, including patterns of urban  
28 metropolitan expansion, statewide and service area  
29 economic growth, shifts in transportation modes,  
30 modifications in building types and design, and other  
31 trends and factors which, as determined by the  
32 commission, will significantly affect energy consumption  
33 and need to be considered in formulating state energy  
34 policy and programs.

35 (b) The level of statewide and service area electrical  
36 energy demand for the forthcoming 5- and 10-year  
37 forecast or assessment period which, in the judgment of  
38 the commission, will reasonably balance requirements of  
39 state and service area growth and development,  
40 protection of public health and safety, preservation of

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1 environmental quality, maintenance of a sound economy,  
2 and, as may be provided by law, conservation of energy  
3 and resources. Such 5- and 10-year forecasts or  
4 assessments established by the commission shall serve as  
5 the basis for planning and certification of facilities  
6 proposed by electric utilities.

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

12 (1) Demand-reducing policies.

13 (2) Conservation of energy.

14 (3) Development of potential sources of energy.

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

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

21 (e) A list, including maps, of possible areas  
22 appropriate for additional electrical generating sites,  
23 including the generating capacity to be installed at the  
24 sites and the type of fuel and other general characteristics  
25 of the facilities which, as determined by the commission,  
26 will be required to meet the 10-year level of electrical  
27 energy demand established by the commission as  
28 specified in subdivision (b) of this section.

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

38 (g) Assessment of the energy resources available to  
39 the state, including among others, fossil fuels and nuclear,  
40 solar, and geothermal energy resources; assessment of the

1 potential of, and examination of the availability of,  
2 commercially developable fuels, including imported  
3 fuels, during the forthcoming 10- and 20-year periods; and  
4 recommendations regarding measures to be applied to  
5 conserve energy and fuels.

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

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

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

25 (k) Recommendations to the Governor and the  
26 Legislature for administrative and legislative actions  
27 based on the results of commission studies and  
28 evaluations as specified in this section and in Chapter 5  
29 (commencing with Section 25400).

30 (l) A list, including maps, of sites and potential  
31 multiple facility sites which have been found to be  
32 acceptable by the commission pursuant to Sections 25516  
33 and 25516.5, including the generating capacity to be  
34 installed at the site and the type of fuel and other general  
35 characteristics of the facilities at such sites.

36  
37 CHAPTER 5. ENERGY RESOURCES CONSERVATION

38  
39 25400. The commission shall conduct an ongoing  
40 assessment of the opportunities and constraints

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1 presented by all forms of energy. The commission shall  
2 encourage the balanced use of all sources of energy to  
3 meet the state's needs and shall seek to avoid possible  
4 undesirable consequences of reliance on a single source  
5 of energy.

6 25401. The commission shall continuously carry out  
7 studies, research projects, data collection, and other  
8 activities required to assess the nature, extent, and  
9 distribution of energy resources to meet the needs of the  
10 state, including but not limited to, fossil fuels and solar,  
11 nuclear, and geothermal energy resources. It shall also  
12 carry out studies, technical assessments, research  
13 projects, and data collection directed to reducing  
14 wasteful, inefficient, unnecessary, or uneconomic uses of  
15 energy, including, but not limited to, all of the following:

- 16 (a) Pricing of electricity and other forms of energy.
- 17 (b) Improved building design and insulation.
- 18 (c) Restriction of promotional activities designed to  
19 increase the use of electrical energy by consumers.
- 20 (d) Improved appliance efficiency.
- 21 (e) Advances in power generation and transmission  
22 technology.
- 23 (f) Comparisons in the efficiencies of alternative  
24 methods of energy utilization.

25 The commission shall survey pursuant to this section all  
26 forms of energy on which to base its recommendations to  
27 the Governor and Legislature for elimination of waste or  
28 increases in efficiency for sources or uses of energy. The  
29 commission shall transmit to the Governor and the  
30 Legislature, as part of the biennial report specified in  
31 Section 25309, recommendations for state policy and  
32 actions for the orderly development of all potential  
33 sources of energy to meet the state's needs, including, but  
34 not limited to, fossil fuels and solar, nuclear, and  
35 geothermal energy resources, and to reduce wasteful and  
36 inefficient uses of energy.

37 25402. Within 18 months after the effective date of  
38 this division, the commission shall, after one or more  
39 public hearings, do all of the following, in order to reduce  
40 the wasteful, uneconomic, inefficient, or unnecessary

1 consumption of energy:

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

30 (b) Recommend per unit energy requirement  
 31 allotments based on square footage for various classes of  
 32 buildings which would reduce the growth rate of  
 33 electrical energy consumption and which are technically  
 34 feasible and will provide adequate safeguards for public  
 35 health, safety, and welfare. No city, county, city and  
 36 county, or state agency shall issue any permit for the  
 37 construction of any building unless the applicant certifies  
 38 that consideration has been given to such energy  
 39 requirement allotments, which certification shall include  
 40 a statement specifying the extent to which conformance

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1 with the relevant recommended allotment will be  
2 achieved.

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

18 (d) Recommend minimum standards of efficiency for  
19 the operation of any new facility at a particular site which  
20 are technically and economically feasible. No site and  
21 related facility shall be certified pursuant to Chapter 6  
22 (commencing with Section 25500) of this division, unless  
23 the applicant certifies that standards recommended by  
24 the commission have been considered, which  
25 certification shall include a statement specifying the  
26 extent to which conformance with the recommended  
27 standards will be achieved.

28 Whenever the provisions of this section and the  
29 provisions of Chapter 11.5 (commencing with Section  
30 19878) of Part 3 of Division 13 of the Health and Safety  
31 Code are in conflict, the commission shall be governed by  
32 the provisions of such chapter of the Health and Safety  
33 Code to the extent of such conflict.

34 25403. The commission shall submit to the Public  
35 Utilities Commission and to any publicly owned electric  
36 utility, recommendations designed to reduce wasteful,  
37 unnecessary, or uneconomic energy consumption  
38 resulting from practices including, but not limited to,  
39 differential rate structures, cost-of-service allocations, the  
40 disallowance of a business expense of advertising or

1 promotional activities which encourage the use of  
 2 electrical power, peakload pricing, and other pricing  
 3 measures. The Public Utilities Commission or publicly  
 4 owned electric utility shall review and consider such  
 5 recommendations and shall, within six months after the  
 6 date it receives them, as prescribed by this section, report  
 7 to the Governor and the Legislature its actions and  
 8 reasons therefor with respect to such recommendations.

9 25404. The commission shall cooperate with the  
 10 Office of Planning and Research, the Resources Agency  
 11 and other interested parties in developing procedures to  
 12 ensure that mitigation measures to minimize wasteful,  
 13 inefficient, and unnecessary consumption of energy are  
 14 included in all environmental impact reports required on  
 15 local projects as specified in Section 21151.

16 25405. A city, county, or city and county may by  
 17 ordinance or resolution prescribe a schedule of fees  
 18 sufficient to pay the costs incurred in the enforcement of  
 19 standards adopted pursuant to this chapter.

20

21 CHAPTER 6. POWER FACILITY AND SITE  
 22 CERTIFICATION

23

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

38 After the effective date of this division, no construction  
 39 of any facility or modification of any existing facility shall  
 40 be commenced without first obtaining certification for

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1 any such site and related facility by the commission, as  
2 prescribed in this division.

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

9 25501. The provisions of this chapter do not apply to  
10 any site and related facility which meets either of the  
11 following requirements:

12 (a) For which the Public Utilities Commission has  
13 issued a certificate of public convenience and necessity  
14 before the effective date of this division.

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

17 25501.3. A proposed site and related facility shall be  
18 deemed to be one for which construction is planned to  
19 commence within three years from the effective date of  
20 this division within the meaning of subdivision (b) of  
21 Section 25501, if all of the following are satisfied:

22 (a) The planned operating date and the planned  
23 capacity are consistent with the forecast of electric loads  
24 either set forth in a report submitted under Sections 2  
25 and 3 of General Order 131 of the Public Utilities  
26 Commission as of March 31, 1974, or otherwise disclosed  
27 in a report of a public agency as of March 31, 1974.

28 (b) The need to commence construction within three  
29 years from the effective date of this division is reasonably  
30 related to the planned operating date of such site and  
31 related facility.

32 (c) Substantial funds have been expended or  
33 committed for planning, site investigations, site  
34 acquisition, or equipment procurement for such site and  
35 related facility prior to the effective date of this division.

36 25501.5. The Legislature finds and declares that the  
37 following proposed sites and facilities with the associated  
38 estimated generating capacities meet the requirements  
39 of subdivision (b) of Section 25501:

40 (a) As designated in the report of the Pacific Gas and

1 Electric Company submitted to the Public Utilities  
2 Commission on March 1, 1974, in response to Sections 2  
3 and 3 of General Order 131 of the Public Utilities  
4 Commission, three gas turbine powerplants, each having  
5 a generating capacity of 52 megawatts, commonly known  
6 as Potrero Unit 4, Potrero Unit 5 and Potrero Unit 6, to  
7 be located in the City and County of San Francisco; a gas  
8 turbine powerplant having a generating capacity of 52  
9 megawatts, commonly known as Hunters Point Unit 1, to  
10 be located in the City and County of San Francisco; a gas  
11 turbine powerplant having a generating capacity of 200  
12 megawatts, commonly known as Station C; a geothermal  
13 powerplant having a generating capacity of 106  
14 megawatts, commonly known as Geysers Unit 12, to be  
15 located in Sonoma County; a geothermal powerplant  
16 having a generating capacity of 110 megawatts,  
17 commonly known as Geysers Unit 14, to be located in  
18 Sonoma County; a geothermal powerplant having a  
19 generating capacity of 55 megawatts, commonly known  
20 as Geysers Unit 15, to be located in Sonoma County; a  
21 geothermal powerplant having a generating capacity of  
22 135 megawatts, commonly known as Geysers Unit 13, to  
23 be located in Lake County; a geothermal powerplant  
24 having a generating capacity of 110 megawatts, planned  
25 for operation in 1978, to be located in Sonoma County or  
26 Lake County; a geothermal powerplant having a  
27 generating capacity of 110 megawatts, planned for  
28 operation in 1979, to be located in Sonoma County or  
29 Lake County; a combined-cycle powerplant having a  
30 generating capacity of 800 megawatts, commonly known  
31 as Thermal 78, to be located in Contra Costa County near  
32 the City of Pittsburg; two combined-cycle powerplants,  
33 each having a generating capacity of 800 megawatts,  
34 commonly known as Thermal 79 and Thermal 81, to be  
35 located in Contra Costa County or Solano County; and a  
36 nuclear powerplant having a generating capacity of 1,100  
37 megawatts, commonly known as Nuclear A to be located  
38 in Region 1, as shown on page 27 of the report of the  
39 Pacific Gas and Electric Company submitted March 1,  
40 1974, in response to Sections 2 and 3 of General Order 131

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1 of the Public Utilities Commission, or at the location  
2 commonly known as Diablo Canyon in San Luis Obispo  
3 County.

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

25 (c) As described in the report of the San Diego Gas  
26 and Electric Company submitted to the Public Utilities  
27 Commission on March 22, 1974, in response to Sections 2  
28 and 3 of General Order 131 of the Public Utilities  
29 Commission, two gas turbine powerplants, each having a  
30 generating capacity of 64 megawatts, commonly known  
31 as South Bay Gas Turbine Unit 3 and South Bay Gas  
32 Turbine Unit 4, to be located in San Diego County; a  
33 fossil-fueled powerplant having a generating capacity of  
34 292 megawatts, commonly known as Encina Unit 5, to be  
35 located in San Diego County; a combined-cycle  
36 powerplant having a generating capacity of 404  
37 megawatts, planned for operation in 1979, to be located  
38 in San Diego County; and a nuclear powerplant having a  
39 generating capacity of 1,200 megawatts, commonly  
40 known as the Desert Nuclear Project, to be located in

1 Riverside County.

2 (d) As described in the report of the Pacific Gas and  
3 Electric Company to the Public Utilities Commission  
4 submitted March 1, 1974, in response to Sections 2 and 3  
5 of the General Order 131 of the Public Utilities  
6 Commission, a gas turbine powerplant having a  
7 generating capacity of 150 megawatts, commonly known  
8 as SMUD Gas Turbines, to be located in Sacramento  
9 County; and a nuclear powerplant having a generating  
10 capacity of 1,100 megawatts, commonly known as Rancho  
11 Seco Unit 2, to be located in Sacramento County.

12 (e) As described in the report of the Department of  
13 Water and Power of the City of Los Angeles submitted to  
14 the Public Utilities Commission on March 18, 1974, in  
15 response to Sections 2 and 3 of General Order 131 of the  
16 Public Utilities Commission, a nuclear powerplant having  
17 a generating capacity of 1,300 megawatts, commonly  
18 known as the San Joaquin Nuclear Project, to be located  
19 in Kern County near the City of Wasco.

20 (f) Four geothermal powerplants, each having a  
21 generating capacity of 55 megawatts, presently planned  
22 to be constructed by the City of Burbank and to be  
23 located in Imperial County.

24 (g) Four geothermal powerplants, each having a  
25 generating capacity of 55 megawatts, presently planned  
26 to be constructed by the City of Burbank and located in  
27 Inyo County.

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

32 Nothing in this section shall be construed to indicate  
33 that the sites and facilities specified in this section are  
34 approved by the Legislature. The inclusion of any site  
35 and related facility in this section means that the  
36 provisions of this chapter do not apply to any such site or  
37 facility, to the extent that Section 25501.7 or 25502.3 is  
38 made applicable, and that such site and related facility is  
39 subject to any and all other provisions of law.

40 25501.7. Any person proposing to construct a facility

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1 or a site to which Section 25501 applies may waive the  
2 exclusion of such site and related facility from the  
3 provisions of this chapter by submitting to the  
4 commission a notice to that effect on or after July 1, 1976,  
5 and any and all of the provisions of this chapter shall  
6 apply to the construction of such facility.

7 25502. Each person proposing to construct a thermal  
8 powerplant or electric transmission line on a site shall  
9 submit to the commission notice of intention to file an  
10 application for the certification of such site and related  
11 facility or facilities. The notice shall be an attempt  
12 primarily to determine the suitability of the proposed  
13 sites to accommodate the facilities and to determine the  
14 general conformity of the proposed sites and related  
15 facilities with standards of the commission and forecasts  
16 adopted pursuant to Sections 25216.3 and 25309. The  
17 notice shall be in the form prescribed by the commission  
18 and shall be supported by such information as the  
19 commission may require.

20 Any site and related facility once found to be  
21 acceptable pursuant to Section 25516 is, and shall  
22 continue to be, eligible for consideration in an application  
23 for certification without further proceedings required for  
24 a notice under this chapter.

25 25502.3. Except as provided in Section 25501.7, any  
26 person proposing to construct a facility excluded from the  
27 provisions of this chapter may waive such exclusion by  
28 submitting to the commission a notice of intention to file  
29 an application for certification, and any and all of the  
30 provisions of this chapter shall apply to the construction  
31 of such facility.

32 25502.5. The notice is not required to contain three  
33 alternative sites and related facilities for additional  
34 generating facilities on land owned by an electric utility  
35 before the effective date of this division at existing sites  
36 east of the town of Clay Station in Sacramento County, in  
37 the location commonly known as Diablo Canyon in San  
38 Luis Obispo County, and near the City of Pittsburg in  
39 Contra Costa County.

40 25503. Each notice of intention to file an application

1 shall contain at least three alternative sites and related  
 2 facilities, at least one of which shall not be located in  
 3 whole or in part in the coastal zone. In addition, the  
 4 alternative sites and related electrical facilities may be  
 5 proposed from an inventory of sites which have  
 6 previously been approved by the commission in a notice  
 7 of intent or may be proposed from sites previously  
 8 examined. If modification of an existing facility is  
 9 proposed, the commission may require that alternative  
 10 methods of providing the additional service or making  
 11 the proposed modification be specified in the notice.

12 25504. The notice of intention shall include a  
 13 statement by the applicant describing the location of the  
 14 proposed sites by section or sections, range and township,  
 15 and county; a summary of the proposed design criteria of  
 16 the facilities; the type or types of fuels to be used; the  
 17 methods of construction and operation; the proposed  
 18 location of facilities and structures on each site; a  
 19 preliminary statement of the relative economic,  
 20 technological, and environmental advantages and  
 21 disadvantages of the alternative site and related facility  
 22 proposals; a statement of need for the facility and  
 23 information showing the compatibility of the proposals  
 24 with the most recent biennial report issued pursuant to  
 25 Section 25309; and any other information that an electric  
 26 utility deems desirable to submit to the commission.

27 25504.5. An applicant may, in the notice, propose a  
 28 site to be approved which will accommodate a potential  
 29 maximum electric generating capacity in excess of the  
 30 capacity being proposed for the initial approval of the  
 31 commission. If such a proposal is made, the notice shall  
 32 include, but not be limited to, in addition to the  
 33 information specified in Section 25504, all of the  
 34 following:

35 (a) The number, type, and energy source of electric  
 36 generating units which the site is proposed ultimately to  
 37 accommodate and the maximum generating capacity for  
 38 each unit.

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

40 (c) The impact at the site when fully developed, on

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1 the environment and public health and safety.

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

4 (e) The location and specifications of auxiliary  
5 facilities planned for each state of development  
6 including, but not limited to, pipelines, waste storage  
7 facilities, fuel storage facilities, switchyards, coolant lines,  
8 coolant outfalls, and cooling ponds, lakes, or towers.

9 25505. Upon receipt of a notice, the commission shall  
10 cause a summary of the notice to be published in a  
11 newspaper of general circulation in each county in which  
12 the sites and related facilities, or any part thereof,  
13 designated in the notice are proposed to be located. The  
14 commission shall also transmit a copy of the notice to the  
15 Public Utilities Commission, for sites and related facilities  
16 requiring a certificate of public convenience and  
17 necessity, and to other federal, state, regional, and local  
18 agencies having an interest in matters pertinent to the  
19 proposed facilities at any of the alternative sites. A copy  
20 of the notice shall also be transmitted to the Attorney  
21 General.

22 25506. The commission shall request the appropriate  
23 local, regional, state, and federal agencies to make  
24 comments and recommendations regarding the design,  
25 operation, and location of the facilities designated in the  
26 notice, in relation to environmental quality, public health  
27 and safety, and other factors on which they may have  
28 expertise.

29 25506.5. The commission shall request the Public  
30 Utilities Commission, for sites and related facilities  
31 requiring a certificate of public convenience and  
32 necessity, to make comments and recommendations  
33 regarding the design, operation, and location of the  
34 facilities designated in the notice in relation to the  
35 economic, financial, rate, system reliability, and service  
36 implications of the proposed facilities.

37 25507. If any alternative site and related facility  
38 proposed in the notice is proposed to be located, in whole  
39 or in part, within the coastal zone and if a permit for such  
40 a site and related facility is required to be obtained from

1 the California Coastal Zone Conservation Commission,  
 2 the commission shall transmit a copy of the notice to the  
 3 California Coastal Zone Conservation Commission. The  
 4 commission shall request that the California Coastal Zone  
 5 Conservation Commission complete an analysis of any  
 6 coastal zone site and related facility and forward  
 7 preliminary findings of the acceptability of any such site  
 8 and related facility prior to completion of the preliminary  
 9 report required by Section 25510.

10 25508. The commission shall cooperate with, and  
 11 render advice to, the California Coastal Zone  
 12 Conservation Commission and any appropriate regional  
 13 coastal zone conservation commission in studying  
 14 applications for any site and related facility proposed to  
 15 be located, in whole or in part, within the permit area, if  
 16 requested by the California Coastal Zone Conservation  
 17 Commission or a regional coastal zone conservation  
 18 commission, and may invite the members of the  
 19 California Coastal Zone Conservation Commission and  
 20 regional coastal zone conservation commissions to  
 21 participate in public hearings on the notice and on the  
 22 application for site and related facility certification, in  
 23 connection with matters of mutual concern, as interested  
 24 parties in such proceedings.

25 25509. The commission shall conduct a public  
 26 informational hearing or hearings in the county of the  
 27 proposed sites and related facilities no earlier than 60 nor  
 28 later than 90 days from receipt of a notice of intention to  
 29 file an application. The place of such public informational  
 30 hearing or hearings shall be as close as practicable to the  
 31 proposed sites. Any person may participate to the extent  
 32 deemed reasonable and relevant by the presiding  
 33 member of the commission, in any such hearing. Such  
 34 hearings on the original three sites and related facilities  
 35 shall be concluded within 90 days of their  
 36 commencement. Such hearings shall be conducted in  
 37 order to accomplish all of the following purposes:

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

40 (b) To provide knowledge and understanding of

1 proposed facilities and sites.

2 (c) To obtain the views and comments of the public  
3 and concerned governmental agencies on the  
4 environmental, public health and safety, economic,  
5 social, and land use impacts of the facility at the proposed  
6 sites.

7 (d) To solicit information regarding reasonable  
8 alternative sources of the electric generating capacity or  
9 energy to be provided by alternative sites and related  
10 facilities, or combinations thereof, which will better carry  
11 out the policies and objectives of this division.

12 25510. Within 90 days after the conclusion of such  
13 hearing or hearings, the commission shall prepare and  
14 make public a preliminary report on the notice of  
15 intention to file an application. Such report shall contain  
16 the comments and recommendations of local authorities  
17 as to the construction of any thermal powerplant or  
18 electric transmission line on a particular site. The  
19 commission may include within the preliminary report  
20 any other alternatives proposed by the commission or  
21 presented to the commission at a public hearing prior to  
22 preparation of the preliminary report. The preliminary  
23 report shall be published and made available to the  
24 public and to interested local, regional, state, and federal  
25 agencies.

26 25511. The commission shall review the factors  
27 related to safety and reliability of the facilities at each of  
28 the alternative sites designated in the notice. In addition  
29 to other information requested of the applicant, the  
30 commission shall, in determining the appropriateness of  
31 sites and related facilities, require detailed information  
32 on proposed emergency systems and safety precautions,  
33 plans for transport, handling and storage of wastes and  
34 fuels, proposed methods to prevent illegal diversion of  
35 nuclear fuels, special design features to account for  
36 seismic and other potential hazards, proposed methods to  
37 control density of population in areas surrounding  
38 nuclear powerplants, and such other information as the  
39 commission may determine to be relevant to the  
40 reliability and safety of the facility at the proposed sites.

1 The commission shall analyze the information provided  
2 by the applicant, supplementing it, where necessary, by  
3 onsite investigations and other studies. The commission  
4 shall determine the adequacy of measures proposed by  
5 the applicant to protect public health and safety, and  
6 shall include its findings in the preliminary report  
7 required by Section 25510.

8 25512. The preliminary report shall be based upon  
9 testimony presented during any hearing on the notice,  
10 the comments transmitted by the Public Utilities  
11 Commission and local, regional, state, and federal  
12 agencies and the public to the commission, and the  
13 independent studies conducted by the commission's staff.  
14 The preliminary report shall include findings and  
15 conclusions, within the limitation of the information  
16 required in Sections 25502, 25503, 25504, and 25511, with  
17 respect to all of the following:

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

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

25 (2) Applicable local, regional, state, and federal  
26 standards, ordinances, and laws.

27 (b) The relative merit of each alternative site and  
28 related facility proposal designated in the notice or  
29 presented at a public hearing and considered by the  
30 commission.

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

34 25513. Within 30 days of the publication of the  
35 preliminary report, a copy of the report will be  
36 distributed to any person requesting the report prior to  
37 distribution. Any such person may respond in writing to  
38 the preliminary report. Such response shall be submitted  
39 to the commission no later than 60 days after distribution  
40 of the report.

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1 25514. No later than 120 days after distribution of the  
2 preliminary report, a final report shall be prepared and  
3 distributed. The final report shall include, but not be  
4 limited to, all of the following:

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

10 (1) The 10-year forecast of statewide and service area  
11 electric power demands adopted pursuant to subdivision  
12 (b) of Section 25309, except as provided in Section  
13 25514.5.

14 (2) The provisions of any state law or local or regional  
15 ordinance or regulation, including any long-range land  
16 use plans or guidelines adopted by the state or by any  
17 local or regional planning agency, which would be  
18 applicable but for the exclusive authority of the  
19 commission to certify sites and related facilities; and the  
20 standards adopted by the commission pursuant to Section  
21 25216.3.

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

32 (c) The commission's findings on the acceptability of  
33 each alternative siting proposal designated in the notice  
34 or presented at the hearings and reviewed by the  
35 commission. In its findings on any alternative siting  
36 proposal, the commission may specify modification in the  
37 design, construction, location, or other conditions which  
38 will meet the standards, policies, and guidelines  
39 established by the commission.

40 (d) Any conditions, modifications, or criteria proposed

1 for any site and related facility proposal resulting from  
2 the commission's evaluation pursuant to subdivision (c)  
3 of Section 25512.

4 25514.3. In specifying any modifications, conditions,  
5 or criteria pursuant to Section 25514, for sites and related  
6 facilities requiring a certificate of public convenience and  
7 necessity, the commission shall request the comments  
8 and recommendations of the Public Utilities Commission  
9 on the economic, financial, rate, system reliability, and  
10 service implications of such modifications, conditions, or  
11 criteria.

12 25514.5. In considering the acceptability of a site  
13 proposed to accommodate ultimately additional  
14 power-generating capacity, the commission, in  
15 determining, pursuant to Sections 25514 and 25512, the  
16 conformity of the facilities proposed in the notice with  
17 the 10-year forecast of statewide and service area electric  
18 power demands adopted pursuant to subdivision (b) of  
19 Section 25309, shall base its determination only on such  
20 initial facilities as are proposed for operation within the  
21 forthcoming 10-year period. Additional facilities  
22 projected to be operating at the site at a time beyond the  
23 forthcoming 10-year period shall not be considered in the  
24 determination of conformity with the electric power  
25 demand forecast.

26 25515. No later than 30 days after the final report is  
27 distributed, a hearing or hearings on the final report shall  
28 be commenced. Such hearings shall be concluded within  
29 30 days of their commencement.

30 25516. The approval of the notice by the commission  
31 shall be based upon findings pursuant to Section 25514.  
32 The commission's decision shall be issued within 60 days  
33 after the conclusion of the hearings on the final report.  
34 The notice shall not be approved unless the commission  
35 finds at least two alternative site and related facility  
36 proposals considered in the commission's final report as  
37 acceptable. If the commission does not find at least two  
38 sites and related facilities acceptable, additional sites and  
39 related facilities may be proposed by the applicant which  
40 shall be considered in the same manner as those proposed

1 in the original notice.

2 If the commission finds that a good faith effort has been  
3 made by the person submitting the notice to find an  
4 acceptable alternative site and related facility and that  
5 there is only one acceptable site and related facility  
6 among those submitted, the commission may approve the  
7 notice based on the one site and related facility. If a  
8 notice is approved based on one site and related facility,  
9 the commission may require a new notice to be filed to  
10 identify acceptable alternative sites and related facilities  
11 for the one site and related facility approved.

12 If the commission finds that additional electric  
13 generating capacity is needed to accommodate the  
14 electric power demand forecast pursuant to subdivision  
15 (b) of Section 25309 and, after the commission finds that  
16 a good faith effort was made by the person submitting the  
17 notice to propose an acceptable site and related facility,  
18 it fails to find any proposed site and related facility to be  
19 acceptable, the commission shall designate, at the request  
20 of and at the expense of the person submitting the notice,  
21 a feasible site and related facility for providing the  
22 needed electric generating capacity.

23 25516.5. On a notice which proposes an expanded  
24 ultimate electric generating capacity for a site, the  
25 commission may, based upon findings pursuant to Section  
26 25514, either approve the notice only for the initial  
27 facility or facilities proposed for operation within the  
28 forthcoming 10-year period or may approve the notice  
29 for the initial facility or facilities and find the site  
30 acceptable for additional generating capacity of the type  
31 tentatively proposed. The maximum allowable amount  
32 and type of such additional capacity shall be determined  
33 by the commission.

34 If a notice is approved which includes a finding that a  
35 particular site is suitable to accommodate a particular  
36 additional generating capacity, the site shall be  
37 designated a potential multiple-facility site. The  
38 commission may, in determining the acceptability of a  
39 potential multiple-facility site, specify conditions or  
40 criteria necessary to insure that future additional facilities

1 will not exceed the limitations of the site.

2 25517. Except as provided in Sections 25501 and  
3 25501.3, after the effective date of this division, no  
4 construction of any thermal powerplant or electric  
5 transmission line shall be commenced by any electric  
6 utility without first obtaining certification as prescribed  
7 in this division. Any onsite improvements not qualifying  
8 as construction may be required to be restored as  
9 determined by the commission as necessary to protect  
10 the environment, if certification is denied.

11 25518. Except as provided in subdivision (b) of  
12 Section 25501, the Public Utilities Commission shall issue  
13 no certificate of public convenience and necessity for a  
14 site or related electrical facilities unless the utility has  
15 obtained a certificate from the commission.

16 25518.5. Nothing in this division shall preclude the  
17 concurrent initiation of an application for a certificate of  
18 public convenience and necessity from the Public  
19 Utilities Commission subject to the condition specified in  
20 Section 25518.

21 25519. (a) In order to obtain certification for a site  
22 and related facility, an application for certification of such  
23 site and related facility shall be filed with the commission.  
24 Such application shall be in a form prescribed by the  
25 commission and shall be filed with the commission no  
26 later than 18 months before any construction is to  
27 commence. Such application shall be for a site and  
28 related facility which has been found to be acceptable by  
29 the commission pursuant to Section 25516, or for an  
30 additional facility at a site which has been designated a  
31 potential multiple-facility site pursuant to Section 25514.5  
32 and found to be acceptable pursuant to Sections 25516  
33 and 25516.5. An application for an additional facility at a  
34 potential multiple-facility site shall be subject to the  
35 conditions and review specified in Section 25520.5. An  
36 application may not be filed for a site and related facility,  
37 if there is no suitable alternative for the site and related  
38 facility which was previously found to be acceptable by  
39 the commission, unless the commission has approved the  
40 notice based on the one site as specified in Section 25516.

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1 (b) The commission, upon its own motion or in  
2 response to the request of any party, may require the  
3 applicant to submit any information, document, or data,  
4 in addition to the attachments required by subdivision  
5 (i), which it determines is reasonably necessary to make  
6 any decision on the application.

7 (c) Upon receipt of the application, the commission  
8 shall undertake studies and investigations necessary to  
9 comply with the environmental impact reporting  
10 procedures established pursuant to Section 21100. For  
11 purposes of preparation and approval of the  
12 environmental impact report on a proposed site and  
13 related facility, the commission shall be the lead agency  
14 as provided in Section 21165, except as to any site and  
15 related facility proposed to be located within the permit  
16 area if a permit from the California Coastal Zone  
17 Conservation Commission is required. Except as  
18 otherwise provided in Division 13 (commencing with  
19 Section 21000), the environmental impact report shall be  
20 completed within one year after receipt of the  
21 application.

22 (d) If the site and related facility specified in the  
23 application is proposed to be located in the coastal zone  
24 and a permit is required from the California Coastal Zone  
25 Conservation Commission, the commission shall transmit  
26 a copy of the application to the California Coastal Zone  
27 Conservation Commission for its review and comments.

28 (e) Upon receipt of an application, the commission  
29 shall forward the application to local governmental  
30 agencies having land use and related jurisdiction in the  
31 area of the proposed site and related facility. Such local  
32 agencies shall review the application and submit  
33 comments on, among other things, the design of facility,  
34 architectural and aesthetic features of the facility, access  
35 to highways, landscaping and grading, public use of lands  
36 in the area of the facility, and other appropriate aspects  
37 of the design, construction, or operation of the proposed  
38 site and related facility.

39 (f) Upon receipt of an application, the commission  
40 shall cause a summary of the application to be published

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1 in a newspaper of general circulation in the county in  
 2 which the site and related facilities, or any part thereof,  
 3 designated in the application, is proposed to be located.  
 4 The commission shall transmit a copy of the application  
 5 to each federal and state agency having jurisdiction or  
 6 special interest in matters pertinent to the proposed site  
 7 and related facilities, and to the Attorney General.

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

11 (h) For any proposed site and related facility  
 12 requiring a certificate of public convenience and  
 13 necessity, the commission shall transmit a copy of the  
 14 application to the Public Utilities Commission and  
 15 request the comments and recommendations of the  
 16 Public Utilities Commission on the economic, financial,  
 17 rate, system reliability, and service implications of the  
 18 proposed site and related facility. In the event the  
 19 commission requires modification of the proposed  
 20 facility, the commission shall consult with the Public  
 21 Utilities Commission regarding the economic, financial,  
 22 rate, system reliability, and service implications of such  
 23 modifications.

24 (i) The commission shall transmit a copy of the  
 25 application to any governmental agency not specifically  
 26 mentioned in this act, but which it finds has any  
 27 information or interest in the proposed site and related  
 28 facilities, and shall invite the comments and  
 29 recommendations of each such agency. The commission  
 30 shall request any relevant laws, ordinances, or regulations  
 31 which any such agency has promulgated or administered.

32 (j) An application for certification of any site and  
 33 related facilities shall contain a listing of every federal  
 34 agency from which any approval or authorization  
 35 concerning the proposed site is required, specifying the  
 36 approvals or authorizations obtained at the time of the  
 37 application and the schedule for obtaining any approvals  
 38 or authorizations pending.

39 25520. The application shall contain the following and  
 40 such other information as the commission by regulation

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1 may require:

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

4 (b) Safety and reliability information, including, in  
5 addition to documentation previously provided pursuant  
6 to Section 25511, planned provisions for emergency  
7 operations and shutdowns.

8 (c) Available site information, including maps and  
9 descriptions of present and proposed development and,  
10 as appropriate, geological, aesthetic, ecological, seismic,  
11 water supply, population and load center data, and  
12 justification for the particular site proposed.

13 (d) Such other information relating to the design,  
14 operation, and siting of the facility as the commission may  
15 specify.

16 (e) A statement of need providing information  
17 showing compatibility of the proposed facility with the  
18 most recent biennial report issued by the commission  
19 pursuant to Section 25309.

20 (f) A description of the facility, the cost of the facility,  
21 the fuel to be used, the source of fuel, fuel cost, plant  
22 service life and capacity factor, and generating cost per  
23 kilowatt hour.

24 (g) A description of any electric transmission lines  
25 including the estimated cost of the proposed electric  
26 transmission line; a map in suitable scale of the proposed  
27 routing showing details of the rights-of-way in the vicinity  
28 of settled areas, parks, recreational areas, and scenic  
29 areas, and existing transmission lines within one mile of  
30 the proposed route; and justification for the route and a  
31 preliminary description of the effect of the proposed  
32 electric transmission line on the environment, ecology,  
33 and scenic, historic and recreational values.

34 25520.5. (a) In reviewing an application for an  
35 additional facility at a potential multiple-facility site, the  
36 commission shall undertake a reconsideration of its prior  
37 determinations in the final report on the notice for the  
38 site issued pursuant to Section 25514, based on current  
39 conditions and other reasonable and feasible alternatives  
40 to the proposed facility.

1 (b) Within 180 days of the filing of the application for  
 2 an additional facility at a potential multiple-facility site  
 3 and after adequate public hearings, the commission shall  
 4 issue its decision on the acceptability of the proposed  
 5 facility based on the reconsideration specified in  
 6 subdivision (a) of this section. A negative determination  
 7 shall be the final decision of the commission on the  
 8 application and subject to judicial review pursuant to  
 9 Section 25531. An affirmative determination shall not be  
 10 a final decision of the commission on the application.

11 (c) The decision of the commission on an application  
 12 for an additional facility at a potential multiple-facility  
 13 site receiving a favorable determination pursuant to  
 14 subdivision (b) of this section shall be issued within 24  
 15 months after the filing of the application or at such later  
 16 time as is mutually agreed upon by the commission and  
 17 the applicant.

18 25521. No earlier than 90 nor later than 240 days after  
 19 the date of the filing of an application, the commission  
 20 shall commence a public hearing or hearings thereon in  
 21 Sacramento, San Francisco, Los Angeles, or San Diego,  
 22 whichever city is nearest the proposed site. Additionally,  
 23 the commission may hold a hearing or hearings in the  
 24 county in which the proposed site and related facilities  
 25 are to be located.

26 25522. Except as provided in subdivision (c) of  
 27 Section 25520.5, within 18 months of the filing of an  
 28 application for certification or at such later time as is  
 29 mutually agreed by the commission and the applicant,  
 30 the commission shall issue a written decision as to such  
 31 application.

32 25523. The commission shall prepare a written  
 33 decision after a public hearing or hearings on an  
 34 application, which shall include all of the following:

35 (a) Specific provisions relating to the manner in which  
 36 the proposed facility is to be designed, sited, and  
 37 operated in order to protect environmental quality and  
 38 assure public health and safety.

39 (b) Findings regarding the conformity of the  
 40 proposed site and related facilities with standards

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1 adopted by the commission pursuant to Section 25216.3  
2 and subdivision (d) of Section 25402, with public safety  
3 standards and the applicable air and water quality  
4 standards, and with other relevant local, regional, state,  
5 and federal standards, ordinances, or laws. If the  
6 commission finds that there is noncompliance with any  
7 state, local, or regional ordinance or regulation in the  
8 application, it shall consult and meet with the state, local,  
9 or regional governmental agency concerned to attempt  
10 to correct or eliminate the noncompliance. If the  
11 noncompliance cannot be corrected or eliminated, the  
12 commission shall inform the state, local, or regional  
13 governmental agency if it makes the findings required by  
14 Section 25525.

15 (c) Provision for restoring the site as necessary to  
16 protect the environment, if the commission denies  
17 approval of the application.

18 (d) Findings regarding the conformity of the  
19 proposed facility with the 10-year forecast of statewide  
20 and service area electric power demands adopted  
21 pursuant to subdivision (b) of Section 25309.

22 25524. The commission shall not certify any facility  
23 contained in the application, unless its findings with  
24 respect to subdivision (d) of Section 25523 are in the  
25 affirmative.

26 25524.5. The commission shall not certify any facility  
27 which adds generating capacity to a potential  
28 multiple-facility site in excess of the maximum allowable  
29 capacity established by the commission pursuant to  
30 Section 25516.5, unless the commission finds that  
31 exceeding the maximum allowable capacity will not  
32 increase adverse environmental impacts or create  
33 technological, seismic, or other difficulties beyond those  
34 already found acceptable in the commission's findings on  
35 the notice for that site pursuant to Sections 25516 and  
36 25516.5.

37 25525. The commission shall not certify any facility  
38 contained in the application when it finds, pursuant to  
39 subdivision (b) of Section 25523, that the facility does not  
40 conform with any applicable state, local, or regional

1 standards, ordinances, or laws, unless the commission  
 2 determines that such facility is required for public  
 3 convenience and necessity and that there are not more  
 4 prudent and feasible means of achieving such public  
 5 convenience and necessity. In no event shall the  
 6 commission make any finding in conflict with applicable  
 7 federal law or regulation. The basis for such findings shall  
 8 be reduced to writing and submitted as part of the record  
 9 pursuant to Section 25523.

10 25526. The commission may certify any facility  
 11 contained in the application which is proposed to be  
 12 located, in whole or in part, within the permit area unless  
 13 a permit from the California Coastal Zone Conservation  
 14 Commission is required, in which case such permit shall  
 15 be obtained before the certificate may be granted.  
 16 Approval of a permit by any regional coastal zone  
 17 conservation commission, or the California Coastal Zone  
 18 Conservation Commission on appeal, shall not affect the  
 19 authority of the commission to deny certification for any  
 20 facility contained in the application, as provided in this  
 21 division.

22 25527. The following areas of the state shall not be  
 23 approved as a site for a facility, unless the commission  
 24 finds that such use is not inconsistent with the primary  
 25 uses of such lands and that there will be no substantial  
 26 adverse environmental effects and the approval of any  
 27 public agency having ownership or control of such lands  
 28 is obtained:

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

33 (b) Estuaries in an essentially natural and  
 34 undeveloped state.

35 In considering applications for certification, the  
 36 commission shall give the greatest consideration to the  
 37 need for protecting areas of critical environmental  
 38 concern, including, but not limited to, unique and  
 39 irreplaceable scientific, scenic, and educational wildlife  
 40 habitats; unique historical, archaeological, and cultural

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1 sites; lands of hazardous concern; and areas under  
2 consideration by the state or the United States for  
3 wilderness, or wildlife and game reserves.

4 25528. (a) The commission shall require, as a  
5 condition of certification of any site and related facility,  
6 that the applicant acquire, by grant or contract, the right  
7 to prohibit development of privately owned lands in the  
8 area of the proposed site which will result in population  
9 densities in excess of the maximum population densities  
10 which the commission determines, as to the factors  
11 considered by the commission pursuant to Section 25511,  
12 are necessary to protect public health and safety. The  
13 power of condemnation is hereby granted to the  
14 applicant to acquire such development rights and the  
15 requirement of the commission that any such rights be  
16 acquired is a conclusive finding of the public necessity of  
17 such condemnation; provided, however, that nothing in  
18 this division grants or extends a right of condemnation to  
19 any person or applicant who has not otherwise been  
20 granted such right under any other provision of law prior  
21 to the effective date of this division.

22 (b) In the case of an application for a nuclear facility,  
23 the area and population density necessary to insure the  
24 public's health and safety designated by the commission  
25 shall be that as determined from time to time by the  
26 United States Atomic Energy Commission, if the  
27 commission finds that such determination is sufficiently  
28 definitive for valid land use planning requirements.

29 (c) The commission shall waive the requirements of  
30 the acquisition of development rights by an applicant to  
31 the extent that the commission finds that existing  
32 governmental land use restrictions are of a type  
33 necessary and sufficient to guarantee the maintenance of  
34 population levels and land use development over the  
35 lifetime of the facility which will insure the public health  
36 and safety requirements set pursuant to this section.

37 (d) No change in governmental land use restrictions  
38 in such areas designated in subdivision (c) of this section  
39 by any government agency shall be effective until  
40 approved by the commission. Such approval shall certify

1 that the change in land use restrictions is not in conflict  
2 with requirements provided for by this section.

3 (e) It is not the intent of the Legislature by the  
4 enactment of this section to take private property for  
5 public use without payment of just compensation in  
6 violation of the United States Constitution or the  
7 Constitution of California.

8 25529. When a facility is proposed to be located in the  
9 coastal zone or any other area with recreational, scenic,  
10 or historic value, the commission shall require, as a  
11 condition of certification of any facility contained in the  
12 application, that an area be established for public use, as  
13 determined by the commission. Lands within such area  
14 shall be acquired and maintained by the applicant and  
15 shall be available for public access and use, subject to  
16 restrictions required for security and public safety. The  
17 applicant may dedicate such public use zone to any local  
18 agency agreeing to operate or maintain it for the benefit  
19 of the public. If no local agency agrees to operate or  
20 maintain the public use zone for the benefit of the public,  
21 the applicant may dedicate such zone to the state. The  
22 commission shall also require that any facility to be  
23 located along the coast or shoreline of any major body of  
24 water be set back from the shoreline to permit reasonable  
25 public use and to protect scenic and aesthetic values.

26 25530. The commission may order a reconsideration  
27 of all or part of a decision or order on its own motion or  
28 on petition of any party.

29 Any such petition shall be filed within 30 days after  
30 adoption by the commission of a decision or order. The  
31 commission shall not order a reconsideration on its own  
32 motion more than 30 days after it has adopted a decision  
33 or order. The commission shall order or deny  
34 reconsideration on a petition therefor within 30 days after  
35 the petition is filed.

36 A decision or order may be reconsidered by the  
37 commission on the basis of all pertinent portions of the  
38 record together with such argument as the commission  
39 may permit, or the commission may hold a further  
40 hearing, after notice to all interested persons. A decision

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1 or order of the commission on reconsideration shall have  
2 the same force and effect as an original order or decision.

3 25531. (a) The decisions of the commission on any  
4 application of any electric utility for certification of a site  
5 and related facility shall be subject to judicial review in  
6 the same manner as the decisions of the Public Utilities  
7 Commission on the application for a Certificate of Public  
8 Convenience and Necessity for the same site and related  
9 facility.

10 (b) No new or additional evidence may be introduced  
11 upon review and the cause shall be heard on the record  
12 of the commission as certified to by it. The review shall  
13 not be extended further than to determine whether the  
14 commission has regularly pursued its authority, including  
15 a determination of whether the order or decision under  
16 review violates any right of the petitioner under the  
17 United States Constitution or the California Constitution.  
18 The findings and conclusions of the commission on  
19 questions of fact shall be final and shall not be subject to  
20 review, except as provided in this article. Such questions  
21 of fact shall include ultimate facts and the findings and  
22 conclusions of the commission. A report prepared by, or  
23 an approval of, the commission pursuant to Section 25510,  
24 25514, 25516, or 25516.5, or subdivision (b) of Section  
25 25520.5, shall not constitute a decision of the commission  
26 subject to judicial review.

27 (c) Subject to the right of judicial review of decisions  
28 of the commission, no court in this state shall have  
29 jurisdiction to hear or determine any case or controversy  
30 concerning any matter which was, or could have been,  
31 determined in a proceeding before the commission, or to  
32 stop or delay the construction or operation of any thermal  
33 powerplant except to enforce compliance with the  
34 provisions of a decision of the commission.

35 25532. The commission shall establish a monitoring  
36 system to assure that any facility certified under this  
37 division is constructed and is operating in compliance  
38 with air and water quality, public health and safety, and  
39 other applicable regulations, guidelines, and conditions  
40 adopted or established by the commission or specified in

1 the written decision on the application. In designing and  
2 operating the monitoring system, the commission shall  
3 seek the cooperation and assistance of the State Air  
4 Resources Board, the State Water Resources Control  
5 Board, the Department of Health, and other state,  
6 regional, and local agencies which have an interest in  
7 environmental control.

8 25534. The commission may after hearings amend the  
9 conditions of, or revoke the certification for, any facility  
10 for any of the following reasons:

11 (a) For any material false statement set forth in the  
12 application, presented in proceedings of the commission,  
13 or included in supplemental documentation provided by  
14 the applicant.

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

18 (c) For violation of any provision of this division or any  
19 regulation or order issued by the commission under this  
20 division.

21 25535. Such cost as the applicant incurs to comply  
22 with the decision of the commission shall be allowed for  
23 ratemaking purposes.

24 25536. Pending completion of the statewide and  
25 service area forecasts of electric power demand specified  
26 in Section 25309, the commission shall utilize as an  
27 interim forecast for purposes of determining the  
28 acceptability of alternative site and related facility  
29 proposals as provided in subdivision (a) of Section 25514  
30 and subdivision (d) of Section 25523, the 10-year forecast  
31 of loads and resources prepared by the Public Utilities  
32 Commission from reports required or submitted as of  
33 March 31, 1974, under Sections 2 and 3 of General Order  
34 131 of the Public Utilities Commission. On the first June  
35 1st and the second June 1st following the effective date  
36 of this division, the commission shall commence public  
37 hearings, at least one of which shall be in the City of  
38 Sacramento. Any person may participate in any such  
39 hearings. The hearing shall be conducted to secure the  
40 views and comments of the public, the electric utilities,

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1 other state and federal agencies, and city and county  
2 governments regarding revision of the interim forecasts  
3 based on the considerations specified in Section 25304  
4 and on updated information regarding forecast loads and  
5 resources submitted by any electric utility. Such hearings  
6 shall be concluded within 30 days from the date of their  
7 commencement. Within 60 days of the conclusion of the  
8 hearings specified in this section, the commission shall  
9 issue a final report specifying the revisions, if any, to the  
10 interim forecast. The report shall be based upon the  
11 information and views presented at the public hearings  
12 and the commission's independent analysis.

13 25537. Upon approval of an application, the  
14 commission shall forward to the Atomic Energy  
15 Commission, the Environmental Protection Agency, and  
16 to other appropriate federal agencies, the results of its  
17 studies including the environmental impact report on the  
18 facility, the written decision on the facility contained in  
19 the application, and the commission's determination of  
20 facility safety and reliability as provided in Section 25511.

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

32 25539. In reviewing notices and applications for  
33 certification of modifications of existing facilities, the  
34 commission shall adopt rules and regulations as necessary  
35 to insure that relevant duties pursuant to this division are  
36 carried out.

37 25540. If a person proposes to construct a geothermal  
38 powerplant and related facility or facilities on a site, the  
39 commission shall not require three alternative sites and  
40 related facilities to be proposed in the notice. In

1 considering the proposed construction of a geothermal  
2 powerplant and related facilities on a site, the  
3 commission shall issue its findings on the notice as  
4 specified in Section 25516 within nine months from the  
5 date of filing of such notice, and shall issue its final and  
6 decision on the application as specified in Section 25523  
7 within nine months from the date of filing of the  
8 application for certification, or at such later time as is  
9 mutually agreed by the commission and the applicant or  
10 person submitting the notice.

11 25541. The commission may exempt from the  
12 provisions of this chapter thermal powerplants with a  
13 generating capacity of up to 100 megawatts and  
14 modifications to existing generating facilities which do  
15 not add capacity in excess of 100 megawatts, if the  
16 commission finds both of the following:

17 (a) No substantial adverse impact on the environment  
18 or energy resources will result from the construction or  
19 operation of the proposed facility or from the  
20 modifications.

21 (b) Generating capacity will not be added which is  
22 substantially in excess of the forecast of electrical energy  
23 demands adopted pursuant to subdivision (b) of Section  
24 25309.

25 25542. In the case of any site and related facility or  
26 facilities for which the provisions of this division do not  
27 apply, the exclusive power given to the commission  
28 pursuant to Section 25500 to certify sites and related  
29 facilities shall not be in effect.

30

31 CHAPTER 7. RESEARCH AND DEVELOPMENT

32

33 25600. The commission shall develop and coordinate  
34 a program of research and development in energy  
35 supply, consumption, and conservation and the  
36 technology of siting facilities and shall give priority to  
37 those forms of research and development which are of  
38 particular importance to the state, including, but not  
39 limited to, all of the following:

40 (a) Methods of energy conservation specified in

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1 Chapter 5 (commencing with Section 25400).

2 (b) Increased energy use efficiencies of existing  
3 thermal electric and hydroelectric powerplants and  
4 increased energy efficiencies in designs of thermal  
5 electric and hydroelectric powerplants.

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

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

11 (e) Improved methods of energy demand forecasting.

12 25601. The commission shall carry out technical  
13 assessment studies on all forms of energy and energy  
14 related problems, in order to influence federal research  
15 and development priorities and to be informed on future  
16 energy options and their impacts, including, in addition  
17 to those problems specified in Section 25600, but not  
18 limited to, the following:

19 (a) Advanced nuclear powerplant concepts, fusion,  
20 and fuel cells.

21 (b) Total energy concepts.

22 (c) New technology related to coastal and offshore  
23 siting of facilities.

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

26 (e) Improved methods of power transmission to  
27 permit interstate and interregional transfer and  
28 exchange of bulk electric power.

29 (f) Measures to reduce wasteful and inefficient uses of  
30 energy.

31 (g) Shifts in transportation modes and changes in  
32 transportation technology in relation to implications for  
33 energy consumption.

34 (h) Methods of recycling, extraction, processing,  
35 fabricating, handling, or disposing of materials, especially  
36 materials which require large commitments of energy.

37 (i) Expanded recycling of materials and its effect on  
38 energy consumption.

39 (j) Implications of government subsidies and taxation  
40 and ratesetting policies.

- 1 (k) Utilization of waste heat.
- 2 (l) Use of hydrogen as an energy form.
- 3 (m) Use of agricultural products, municipal wastes,
- 4 and organic refuse as an energy source.

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

9 25602. For research purposes, the commission shall, in  
 10 cooperation with other state agencies, participate in the  
 11 design, construction, and operation of energy conserving  
 12 buildings using data developed pursuant to Section 25401,  
 13 in order to demonstrate the economic and technical  
 14 feasibility of such designs.

15 25603. Beginning with, and for, the 1976-77 fiscal  
 16 year, the commission shall submit to the Governor for  
 17 inclusion in the state budget an integrated program of  
 18 proposed research and development and technical  
 19 assessment projects set forth on an item-by-item basis  
 20 including the priority items established in Sections 25600,  
 21 25601, and 25602. The commission shall describe for each  
 22 item the objectives and anticipated end product of each  
 23 project, funding and staff requirements, timing and other  
 24 information which is necessary to describe the projects  
 25 adequately. As part of each submission, the commission  
 26 shall describe the progress of its programs.

27 25604. For purposes of carrying out the provisions of  
 28 this chapter, the commission may contract with any  
 29 person for materials and services that cannot be  
 30 performed by its staff or other state agencies, and may  
 31 apply for federal grants or any other funding.

32  
 33 CHAPTER 8. ENERGY SHORTAGE  
 34 CONTINGENCY PLANNING  
 35

36 25700. The commission shall, in accordance with the  
 37 provisions of this chapter, develop contingency plans to  
 38 deal with possible shortages of electrical energy or fuel  
 39 supplies to protect public health, safety, and welfare.

40 25701. (a) Within six months after the effective date

1 of this division, each electric utility, gas utility, and fuel  
2 wholesaler or manufacturer in the state shall prepare and  
3 submit to the commission a proposed emergency load  
4 curtailment plan or emergency energy supply  
5 distribution plan setting forth proposals for identifying  
6 priority loads or users in the event of a sudden and serious  
7 shortage of fuels or interruption in the generation of  
8 electricity.

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

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

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

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1 energy consumption by users on the basis of ability to  
2 accommodate such curtailments. Such plans shall also  
3 specify the authority of and recommend the appropriate  
4 actions of state and local governmental agencies in  
5 dealing with energy shortages.

6 25703. Within four months after the date of  
7 certification of any new facility, the commission shall  
8 review and revise the recommended plans based on  
9 additional new capacity attributed to any such facility.  
10 The commission shall, after one or more public hearings,  
11 review the plans at least every five years from the  
12 approval of the initial plan as specified in Section 25702.

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

25 25705. If the commission determines that all  
26 reasonable conservation, allocation, and service  
27 restriction measures will not alleviate an energy supply  
28 emergency, and upon a declaration by the Governor or  
29 by an act of the Legislature that a threat to public health,  
30 safety, and welfare exists and requires immediate action,  
31 the commission may authorize the construction and use  
32 of generating facilities not to exceed 250 megawatts net  
33 electrical generating capacity per unit under such terms  
34 and conditions as specified by the commission to protect  
35 the public interest.

36 Within 60 days after the authorization of construction  
37 and use of such generating facilities, the commission shall  
38 issue a report detailing the full nature, extent, and  
39 estimated duration of the emergency situation and  
40 making recommendations to the Governor and the

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1 Legislature for further energy conservation and energy  
2 supply measures to alleviate the emergency situation as  
3 alternatives to use of such generating facilities.

4 The commission shall include, among the  
5 recommendations specified in Section 25704, suggestions  
6 for modifying the maximum size limit for generating  
7 facilities specified in this section.

8  
9 CHAPTER 9. STATE ENERGY RESOURCES CONSERVA-  
10 TION AND DEVELOPMENT SPECIAL ACCOUNT

11  
12 25800. There is in the General Fund in the State  
13 Treasury the State Energy Resources Conservation and  
14 Development Special Account. On and after the effective  
15 date of this division, each electric utility shall add a  
16 surcharge of one-tenth of a mill (\$.0001) per  
17 kilowatt-hour to the cost of electric power sold to  
18 consumers in the state; provided, however, that after  
19 January 1, 1976, the State Board of Equalization shall  
20 establish a surcharge rate in accordance with the  
21 following schedule which shall be sufficient to provide  
22 the revenue necessary to fund expenditures from the  
23 account appropriated by the Legislature in the Budget  
24 Act for the 1975-76 fiscal year and each fiscal year  
25 thereafter; and provided, further, that such increases  
26 shall become effective on September 1 of the year in  
27 which the State Board of Equalization establishes that an  
28 increase or decrease in accordance with the following  
29 schedule is necessary to produce sufficient revenues to  
30 fund the appropriations contained in the Budget Act:

31  
32 Schedule.

- 33
- 34 One-tenth of a mill (\$.0001).
- 35 Eleven hundredths of a mill (\$.00011).
- 36 Twelve hundredths of a mill (\$.00012).
- 37 Thirteen hundredths of a mill (\$.00013).
- 38 Fourteen hundredths of a mill (\$.00014).
- 39 Fifteen hundredths of a mill (\$.00015).
- 40 Sixteen hundredths of a mill (\$.00016).

- 1 Seventeen hundredths of a mill (\$0.00017).
- 2 Eighteen hundredths of a mill (\$0.00018).
- 3 Nineteen hundredths of a mill (\$0.00019).
- 4 Two-tenths of a mill (\$0.0002).

5  
 6 The State Board of Equalization shall notify every  
 7 electric utility of the rate established pursuant to this  
 8 section, and every electric utility shall report all  
 9 surcharges in the manner and on the forms as prescribed  
 10 by the State Board of Equalization.

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

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

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

28 25803. All funds received by the State Board of  
 29 Equalization pursuant to Sections 25800 and 25801, and  
 30 the funds received by the commission pursuant to  
 31 Section 25802, shall be remitted to the State Treasurer for  
 32 deposit in the account. All funds in the account shall be  
 33 expended for purposes of carrying out the provisions of  
 34 this division, when appropriated by the Legislature in the  
 35 Budget Act.

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1 CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

2

3 25900. Except as provided in Section 25531, whenever  
4 the commission finds that any provision of this division is  
5 violated or a violation is threatening to take place which  
6 constitutes an emergency requiring immediate action to  
7 protect the public health, welfare, or safety, the Attorney  
8 General, upon request of the commission, shall petition a  
9 court to enjoin such violation. The court shall have  
10 jurisdiction to grant such prohibitory or mandatory  
11 injunctive relief as may be warranted by way of  
12 temporary restraining order, preliminary injunction, and  
13 permanent injunction.

14 25901. (a) Within 30 days after the commission issues  
15 its determination on any matter specified in this division,  
16 except as provided in Section 25531, any aggrieved  
17 person may file with the superior court a petition for a  
18 writ of mandate for review thereof. Failure to file such an  
19 action shall not preclude a person from challenging the  
20 reasonableness and validity of a decision in any judicial  
21 proceedings brought to enforce such decision for other  
22 civil remedies.

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

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

32 25902. Any evaluations in the reports required by  
33 Sections 25309 and 25536 and any findings and  
34 determinations on the notice of intent pursuant to  
35 Chapter 6 (commencing with Section 25500) of this  
36 division shall not be construed as a final evaluation,  
37 finding, or determination by the commission and a court  
38 action may not be brought to review any such evaluation,  
39 finding, or determination.

40 25903. If any provision of subdivision (a) of Section

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1 25531, with respect to judicial review of the decision on  
2 certification of a site and related facility, is held invalid,  
3 judicial review of such decisions shall be conducted in the  
4 superior court subject to the conditions of subdivision (b)  
5 of Section 25531. The superior court shall grant priority in  
6 setting such matters for review, and the appeals from any  
7 such review shall be given preference in hearings in the  
8 Supreme Court and courts of appeal.

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

12 SEC. 4. Notwithstanding Section 2231 of the Revenue  
13 and Taxation Code, there shall be no reimbursement  
14 pursuant to that section nor shall there be any  
15 appropriation made by this act for the following reasons:

16 (a) The duties, obligations or responsibilities imposed  
17 on local governmental entities as consumers of electric  
18 power in the form of the special surcharge are minor in  
19 nature and will not cause any financial burden on local  
20 government.

21 (b) Self-financing authority is provided in the form of  
22 rate increases by Section 12809 of the Public Utilities  
23 Code.

24 (c) The Legislature recognizes that during any  
25 legislative session a variety of changes to laws relating to  
26 crimes and infractions may cause both increased and  
27 decreased costs to local governmental entities which in  
28 the aggregate, do not result in significant identifiable cost  
29 changes.

30 SEC. 5. If any provision of this act or the application  
31 thereof to any person or circumstances is held invalid,  
32 such invalidity shall not affect other provisions or  
33 applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the  
35 provisions of this act are severable.

36 SEC. 6. The Legislature hereby declares that the  
37 enactment of Chapter 9 (commencing with Section  
38 25800) of Division 15 of the Public Resources Code by this  
39 act does not preempt the field of taxation upon the use  
40 of electrical energy and shall not affect the validity of any

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1 such tax imposed by a chartered city.

2 SEC. 7. This act shall become operative on January 7,  
3 1975; except that Section 3 of this act shall not become  
4 operative until the date one year after the date the State  
5 Energy Resources Conservation and Development  
6 Commission adopts regulations for energy insulation for  
7 residential buildings pursuant to subdivision (a) of  
8 Section 25402 of the Public Resources Code.

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