

ITEM 13

State of California

California Energy Commission

Minutes of the November 7, 2018, Energy Commission Business Meeting

The meeting was called to order by Chair Weisenmiller. The Pledge of Allegiance was led by Chair Weisenmiller.

Present:

Robert B. Weisenmiller, Chair
Karen Douglas, Commissioner

J. Andrew McAllister, Commissioner
Janea A. Scott, Commissioner

THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING ITEMS:

1. CONSENT CALENDAR. (Items on the Consent Calendar will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)
 - a. GEOTHERMAL RESOURCES COUNCIL. Proposed resolution approving Agreement 500-18-001 with the Geothermal Resources Council for a \$4,550 contract for a 2-year Sustaining membership. The Sustaining membership includes up to 20 representative memberships to the Geothermal Resources Council. (GRDA funding) Contact: Elisabeth De Jong.

Commissioner Douglas moved Item 1 and Commissioner McAllister seconded. The Chair announced Commissioner Hochschild is absent. The vote was 4-0.

2. SMALL POWER PLANT EXEMPTION FOR THE MCLAREN BACKUP GENERATING FACILITY PROJECT (17-SPPE-01). Consideration and possible approval of an order adopting the Committee-Proposed Decision on the Application for a Small Power Plant Exemption (SPPE) for the McLaren Backup Generating Facility Project (17-SPPE-01) and Errata. The Committee issued the Recommended Decision on October 26, 2018. The McLaren Backup Generating Facility Project would provide backup power to the McLaren Data Center when power is not available from the electric grid. The project would consist of 47 diesel power and three lifesaving generators with a generating capacity of approximately 99 megawatts. It would be located at 651, 725, and 825 Mathew Street in the City of Santa Clara, California. Contact: Susan Cochran. (Staff presentation: 10 minutes)
 - a. Possible closed session deliberation on the above described SPPE [Government Code Section 11126(c)(3)].

Commissioner Douglas moved Item 2 and Commissioner Scott seconded. The vote was 4-0.

3. STANTON ENERGY RELIABILITY CENTER (16-AFC-01). Consideration and possible approval of an order adopting the Presiding Member's Proposed Decision (PMPD) on the Application for Certification of the Stanton Energy Reliability Center and Errata. The Committee issued the PMPD on October 5, 2018. The Stanton Energy Reliability Center is a 98-megawatt hybrid electrical generating and battery energy storage facility located at 10711 Dale Avenue, Stanton, California. Contact: Ken Celli. (Staff presentation: 10 minutes)

- a. Possible closed session deliberation on the above described PMPD [Government Code Section 11126(c)(3)].

Commissioner Scott moved Item 3 and Commissioner Douglas seconded. The vote was 4-0.

4. **MOSS LANDING POWER PLANT (99-AFC-04C).** Proposed Order (1) approving the Settlement Agreement (Agreement) with Dynegy Moss Landing, LLC (DML) to resolve alleged violations of the reporting requirement included in the General Conditions of the project's Commission Decision, and (2) delegating to the Energy Commission's Executive Director authority to sign the Agreement. Under the Agreement, DML agrees to pay \$50,000 to the Energy Commission. In return, the Energy Commission agrees to close the matter without further action or litigation. Contact: Christine Root. (Staff presentation: 10 minutes)

Commissioner Douglas moved Item 4 and Commissioner McAllister seconded. The vote was 4-0.

5. **ELECTRICITY CONSUMPTION SURCHARGE RATE.** Proposed resolution approving an adjustment to the Electricity Consumption Surcharge Rate for calendar year 2019 from the current rate of \$0.00029 to the Capped Rate of \$0.0003 per kilowatt-hour. Assembly Bill 3000, Chapter 1124, Statutes of 2002, authorized the Energy Commission to fix the electricity consumption surcharge rate at a public meeting each November for the calendar year starting the following January. Contact: Rob Cook. (Staff presentation: 5 minutes)

Commissioner Douglas moved Item 5 and Commissioner Scott seconded. The vote was 4-0.

6. **CLEAN ENERGY IN LOW-INCOME MULTIFAMILY BUILDINGS (CLIMB) ACTION PLAN.** Proposed resolution adopting the CLIMB Action Plan, which outlines early actions the State can take to improve clean energy access within the low-income multifamily building sector, as well as to create a foundation for long-term transformational change in accelerating adoption of distributed energy resources in the multifamily sector. Developed through a collaborative effort between the Energy Commission, the California Public Utilities Commission, and other partner agencies, the CLIMB Action Plan implements one of the recommendations in the *Low-Income Barriers Study, Part A: Overcoming Barriers to Energy Efficiency and Renewables for Low-Income Customers and Small Business Contracting Opportunities in Disadvantaged Communities*. Contact: Eugene Lee. (Staff presentation: 10 minutes)

Commissioner McAllister moved Item 6 and Commissioner Scott seconded. The vote was 4-0.

7. **LOS ANGELES DEPARTMENT OF WATER AND POWER.** Proposed order approving the Executive Director's recommendation that the Los Angeles Department of Water and Power's Renewal Power Sales Contract with Intermountain Power Agency for the procurement of energy from the Intermountain Power Project Repowering Project, a proposed 840-megawatt natural gas combined cycle generation facility, be found compliant with the Emissions Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill 1368 and California Code of Regulations, Title 20, Sections 2900-2913. Contact: Michael Nyberg. (Staff presentation: 5 minutes)

Commissioner Douglas moved Item 7 and Commissioner McAllister seconded. The vote was 4-0.

8. **CITY OF GLENDALE.** Proposed order approving the Executive Director's recommendation that the City of Glendale's Renewal Power Sales Contract with Intermountain Power Agency for the procurement of energy from the Intermountain Power Project Repowering Project, a proposed 840-megawatt natural gas combined cycle

generation facility, be found compliant with the Emissions Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill 1368 and California Code of Regulations, Title 20, Sections 2900-2913. Contact: Michael Nyberg. (Staff presentation: 5 minutes)

Commissioner McAllister moved Item 8 and Commissioner Scott seconded. The vote was 4-0.

9. CITY OF BURBANK. Proposed order approving the Executive Director's recommendation that the City of Burbank's Renewal Power Sales Contract with Intermountain Power Agency for the procurement of energy from the Intermountain Power Project Repowering Project, a proposed 840-megawatt natural gas combined cycle generation facility, be found compliant with the Emissions Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill 1368 and California Code of Regulations, Title 20, Sections 2900-2913. Contact: Michael Nyberg. (Staff presentation: 5 minutes)

Commissioner Scott moved Item 9 and Commissioner Douglas seconded. The vote was 4-0.

10. CITY OF PASADENA. Proposed order approving the Executive Director's recommendation that the City of Pasadena's Renewal Power Sales Contract with Intermountain Power Agency for the procurement of energy from the Intermountain Power Project Repowering Project, a proposed 840-megawatt natural gas combined cycle generation facility, be found compliant with the Emissions Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill 1368 and California Code of Regulations, Title 20, Sections 2900-2913. Contact: Michael Nyberg. (Staff presentation: 5 minutes)

Commissioner McAllister moved Item 10 and Commissioner Douglas seconded. The vote was 4-0.

11. CITY OF RIVERSIDE. Proposed order approving the Executive Director's recommendation that the City of Riverside's Renewal Power Sales Contract with Intermountain Power Agency for procurement of energy from the Intermountain Power Project Repowering Project, a proposed 840-megawatt natural gas combined cycle generation facility, be found compliant with the Emissions Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill 1368 and California Code of Regulations, Title 20, Sections 2900-2913. Contact: Michael Nyberg. (Staff presentation: 5 minutes)

Commissioner Scott moved Item 11 and Commissioner McAllister seconded. The vote was 4-0.

12. ELECTRICITY DEMAND FORECASTS. Proposed resolution approving Forms and Instructions for Submitting Electricity Demand Forecasts in support of the *2019 Integrated Energy Policy Report*. Obligated load-serving entities are instructed to provide the Energy Commission with load data, economic and demographic projections, and other data related to electricity demand for historical years 2017 to 2018 and forecast years 2019 to 2030. Contact: Cary Garcia. (Staff presentation: 5 minutes)

Commissioner McAllister moved Item 12 and Commissioner Scott seconded. The vote was 4-0.

13. ELECTRICITY RESOURCE PLANS. Proposed resolution approving Forms and Instructions for Submitting Electricity Resource Plans in support of the *2019 Integrated Energy Policy Report*. These forms ask load-serving entities in California to submit plans showing how demand for energy and annual peak load will be met by specific supply

resources. Contact: Robert Kennedy. (Staff presentation: 5 minutes)

Commissioner McAllister moved Item 13 and Commissioner Douglas seconded. The vote was 4-0.

14. **RENEWABLES PORTFOLIO STANDARD RETAIL SELLERS PROCUREMENT VERIFICATION RESULTS REPORT.** Proposed resolution adopting the Renewables Portfolio Standard 2014-2016 Retail Sellers Procurement Verification Report. This report provides the results of the Energy Commission's verification of Renewables Portfolio Standard claims submitted by retail sellers for Compliance Period 2, covering years 2014-2016. Following adoption, Energy Commission staff will provide the final adopted report to the California Public Utilities Commission to complete verification and compliance findings for retail sellers. Contact: Theresa Daniels. (Staff presentation: 10 minutes)

Commissioner McAllister moved Item 14 and Commissioner Douglas seconded. The vote was 4-0.

15. **RENEWABLE ENERGY FOR AGRICULTURE PROGRAM DRAFT GUIDELINES.** Proposed resolution adopting the Renewable Energy for Agriculture Program Draft Guidelines. The Renewable Energy for Agriculture Program will provide up to \$10 million of Greenhouse Gas Reduction Fund monies to the Energy Commission to support renewable energy projects in the agriculture sector to reduce greenhouse gas emissions. The program will emphasize projects in disadvantaged and low-income communities and is envisioned to foster projects with co-benefits serving the local community, benefiting public health and reducing air pollution. Contact: Geoffrey Dodson. (Staff presentation: 5 minutes)

Commissioner Douglas moved Item 15 and Commissioner McAllister seconded. The vote was 4-0.

16. **AMADOR WATER AGENCY.** Proposed resolution adopting California Environmental Quality Act (CEQA) findings for Amador Water Agency's (Amador) Installation of a 440 kW In-Conduit Hydroelectric Project, and approving Amendment 1 to Agreement 004-16-ECD with Amador. (ECAA funding) Contact: Shahid Chaudhry. (Staff presentation: 5 minutes)
 - a. **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.** Findings that, based on Amador's (the lead agency) Initial Study and Mitigated Negative Declaration, the work under the proposed project, including one-year time extension, presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated.
 - b. **AMADOR WATER AGENCY'S INSTALLATION OF 440 kW IN-CONDUIT HYDROELECTRIC PROJECT.** Amending Agreement No. 004-16-ECD with Amador to extend the agreement end date to December 31, 2019, and to augment \$549,198 to an existing \$1,472,000 loan at one percent interest to Amador for installing a 440 kilowatt-hour (kWh) pelton turbine at a water transfer pipeline between two reservoirs. Upon completion, the project will reduce about 1,351,000 kWh of grid electricity consumption annually saving Amador about \$129,000 in utility costs. Based on the revised loan amount of \$2,021,198 the simple payback is 15.7 years.

Commissioner McAllister moved Item 16 and Commissioner Scott seconded. The vote was 4-0.

17. **THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, ON BEHALF OF THE IRVINE CAMPUS.** Proposed resolution approving Agreement 600-18-002 for a

\$400,000 contract with The Regents of the University of California, on behalf of the Irvine campus to expand the capacity of the University of California, Irvine hydrogen refueling station at 19172 Jamboree Road, Irvine, California. (ARFVTP funding)
Contact: Phil Cazel. (Staff presentation: 5 minutes)

Commissioner Scott moved Item 17 and Commissioner Douglas seconded. The vote was 4-0.

18. **EQUILON ENTERPRISES LLC (DBA SHELL OIL PRODUCTS US).** Proposed resolution adopting CEQA findings for the Renewable Hydrogen Fueling at Scale for Freight project and approving Agreement ARV-18-002 with Equilon Enterprises. (ARFVTP funding) Contact: Chris Jenks. (Staff presentation: 5 minutes)
 - a. **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.** Findings that, based on the lead agency Port of Long Beach's Final Mitigated Negative Declaration, the work under the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated.
 - b. **EQUILON ENTERPRISES LLC (DBA SHELL OIL PRODUCTS US).** Agreement ARV-18-002 with Equilon Enterprises for an \$8,000,000 grant to develop a high-capacity hydrogen fueling station servicing and promoting the expansion of zero-emission fuel cell electric Class 8 drayage trucks at the Port of Long Beach. This station will source hydrogen from 100 percent renewable biogas.

Commissioner Scott moved Item 18 and Commissioner McAllister seconded. The vote was 4-0.

19. **Minutes.** Possible approval of the October 3, 2018 Business Meeting minutes.

Commissioner Scott moved Item 19 and Commissioner Douglas seconded. The vote was 4-0.

20. **Lead Commissioner or Presiding Member Reports.** The Commissioners reported on their recent activities. The Chair announced the Commission will now go into closed session as specified in Agenda Item 21.a.v.i, which provides notice the Commission will adjourn to closed session with its Legal Counsel pursuant to Government Code Section 11126(e) to discuss the following litigation to which the Energy Commission is a party. State Energy Resources Conservation and Development Commission v. City of San Jose, JUM Global, L.L.C. This is at Sacramento Superior Court, Case No. 34-2018-00230652.

21. **Chief Counsel's Report:** *There was no report out from the closed session referenced above in Item 20.*

- a. Pursuant to Government Code section 11126(e), the Energy Commission may adjourn to closed session with its legal counsel to discuss any of the following matters to which the Energy Commission is a party:
 - i. *In the Matter of U.S. Department of Energy (High Level Waste Repository), (Atomic Safety Licensing Board, CAB-04, 63-001-HLW); State of California v. United States Department of Energy (9th Cir. Docket No. 09-71014).*
 - ii. *Communities for a Better Environment and Center for Biological Diversity v. Energy Resources Conservation and Development Commission, and California State Controller (Alameda County Superior Court, Case No. RG13681262).*
 - iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck (Sacramento County Superior Court #34-2016-00204586)*

- iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, #17-cv-03404).
 - v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
 - vi. *State Energy Resources Conservation and Development Commission v. City of San Jose, JUM Global, L.L.C.* (Sacramento Superior Court, Case No. 34-2018-00230652).
- b. Pursuant to Government Code section 11126(e), the Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the Commission, which might include:
- 22. **Executive Director's Report.** The Executive Director gave a report.
 - 23. **Public Adviser's Report.** None.
 - 24. **Public Comment:** Steve Uhler.

Appearances:

(*by telephone)

Roy Xu, City of Riverside

Mandip Kaur Samra, City of Pasadena

Christine A. Godinez, City of Glendale

Karen Norene Mills, California Farm Bureau Federation

Margaret Rosegay, Pillsbury

Kara J. Miles, WPower

Scott Galati, DayZen, LLC

Spencer Myers, Vantage Data Centers

Robert Sarvey, Helping Hand Tools

Wayne Leighty, Shell

Lisa Mirisola, South Coast Air Quality Management District

Paul Schultz, LADWP

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Lori Morrish, LADWP
Scott Samuelson, UC Irvine
Meredith Milet, California Department of Public Health
Miles Muller, NRDC

There being no further business, the meeting was adjourned.

Respectfully submitted,

CODY GOLDTHRITE
Secretariat