

State of California
California Energy Commission
Minutes of the November 13, 2019, Energy Commission Business Meeting

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

Present:

David Hochschild, Chair,
Janea A. Scott Vice Chair

Patricia Monahan, Commissioner

Karen Douglas, Commissioner
J. Andrew McAllister, Commissioner

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

1. Consent Calendar.

(Items 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. SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT. Proposed resolution approving Amendment 2 to Grant ARV-16-025 with the South Coast Air Quality Management District to extend the agreement by 13 months, reallocate its budget, replace a subcontractor, and modify its scope of work, and terms and conditions, and adopting staff's determination that this action is exempt from CEQA. (Clean Transportation Program funding) Contact: Alex Wan.
- b. ASSOCIATION OF WOMEN IN WATER, ENERGY AND ENVIRONMENT (AWWEE). Proposed resolution approving a purchase order for a one-year commission-wide AWWEE membership for \$2,100. This membership allows up to 20 California Energy Commission (CEC) staff to attend any AWWEE event during the membership year. AWWEE provides multiple venues for collaboration and professional development while connecting with industry experts and decision makers from the state, local, and private sectors. (ERPA funding) Contact: Tiffany Solorio.
- c. PARTICIPATION IN CPUC EPIC PROCEEDINGS. Proposed resolution authorizing the CEC's formal participation in the California Public Utilities Commission's (CPUC) new proceeding related to the Electric Program Investment Charge (EPIC) Program, Rulemaking 19-10-005, and authorizing its formal participation in subsequent CPUC proceedings related to the EPIC Program. Contact: Gabriel Herrera.

Commissioner McAllister moved Item 1 and Commissioner Douglas seconded. The vote was unanimous (5-0).

2. Paul Jacobs.

Proposed resolution recognizing and commending Paul Jacobs for his contributions to the CEC. (Staff Presentation: 5 minutes)

The Commissioners presented Paul Jacobs with a resolution and commended him for his contributions to and achievements at the Energy Commission. No vote was taken.

3. Discussion of CEC Energy Resiliency Efforts.

Staff presentation on current CEC activities that support energy resiliency during wildfires and other emergencies, and a discussion of potential actions the CEC could take to advance clean energy resiliency in California. California is experiencing another severe wildfire season, with unprecedented power outages resulting from utility Public Safety Power Shutoff events. These events highlight the importance of advancing energy resiliency in California. Contact: Drew Bohan. (Staff presentation: 15 minutes)

Staff presented Informational Item 3.

4. Discussion of CEC Progress on Joint Agency Report, Charting a Path to a 100 Percent Clean Electricity Future, Senate Bill (SB) 100 (2018).

Staff presentation on the clean energy goals established by SB 100 and discussion of its requirement to issue a joint agency report to the Legislature by January 1, 2021. Staff will also provide an update of the report development process, including the planned scope and public engagement process. Contact: Terra Weeks. (Staff presentation: 5 minutes)

Staff presented Informational Item 4.

5. Appliance Efficiency Regulations Rulemaking for General Service Lamps (Docket Number 19-AAER-04).

Proposed resolution adopting a Negative Declaration, including a finding of No Significant Impact under the California Environmental Quality Act (CEQA), and adopting changes to Title 20 §10074 and §§1601-1609 to incorporate amendments to appliance efficiency regulations for general service lamps (GSL). Contact: Patrick Saxton. (Staff presentation: 10 minutes)

- a. **NEGATIVE DECLARATION FOR THE PROPOSED APPLIANCE EFFICIENCY REGULATIONS FOR GSLs.** Negative Declaration, which includes a finding of No Significant Impact under CEQA, for the proposed regulations for GSLs. This proposed adoption comes after a 30-day public comment period necessary to comply with CEQA guidelines.

Commissioner McAllister moved Item 5a and Commissioner Scott seconded. The vote was unanimous (5-0).

- b. **APPLIANCE EFFICIENCY REGULATIONS FOR GSLs.** Amendments to Title 20 §1007 and §§1601-1609 to incorporate appliance efficiency regulations for GSLs. The changes include reinstatement of a severability clause, revised definitions for GSL and general service incandescent lamp, new and revised supplemental

definitions, alignment of test procedures with mandatory federal test procedures, and alignment of a minimum efficiency performance standard with that in federal statute. This proposed adoption comes after a 45-day public comment period and a public hearing held under the California Administrative Procedure Act.

Commissioner McAllister moved Item 5b and Commissioner Scott seconded. The vote was unanimous (5-0).

6. Sacramento Municipal Utility District (SMUD) Community Solar Program.

Proposed resolution approving SMUD's application to administer the new Neighborhood SolarShares Program to meet the requirements under §10-115 of the 2019 Energy Code. Section 10-115 establishes the requirements that must be met for a Community Shared Solar Electric Generation System to be used by a builder/developer as a compliance alternative to the onsite photovoltaics requirement in §150.1(b)1 of the 2019 Energy Code. Contact: Christopher Meyer. (Staff presentation: 5 minutes)

Commissioner McAllister moved to pull Item 6 and Commissioner Douglas seconded. The vote was unanimous (5-0). The Chair announced that the meeting will reconvene at 2:45 PM.

7. Load Management Rulemaking (Docket Number 19-OIR-01).

Proposed Order Instituting Rulemaking to adopt a load management rulemaking under Public Resources Code §25403.5, which authorizes the CEC to establish load management standards. Load management standards previously adopted by the CEC are codified in title 20, §§1621-1625 of the California Code of Regulations. Recent California legislation, including SB 100, Assembly Bill 3232, and SB 49, make clear the need to increase the state's flexible demand resources. This rulemaking will update and add to the load management standards to achieve this goal. Contact: Karen Herter. (Staff presentation: 5 minutes)

Upon reconvening at 2:52 PM, Chair Hochschild was not present. Commissioner McAllister moved Item 7 and Commissioner Douglas seconded. The vote was 4-0.

8. Variable Capacity Heat Pump (VCHP) Performance Compliance Option.

Proposed resolution to incorporate VCHP computer algorithms into the Alternative Calculation Method and the residential California Building Energy Code Compliance performance compliance software, and to approve associated field verification procedures for use in demonstrating compliance with Standards specified in Title 24 Part 6, §150.1(b) (Public Resources Code §25402.1(b); Title 24, Part 1, Cal. Code Regs., §§10-109, 10-110). Contact: Jeff Miller. (Staff presentation: 5 minutes)

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

9. Energy Conservation Assistance Act (ECAA) Rulemaking (Docket Number 18-OIR-02).

Proposed resolution repealing the ECAA regulations (California Code of Regulations, Title 20, §§1650-1655), and adopting a determination that this action is

exempt from CEQA. Repealing the ECAA regulations will not affect how the ECAA program is currently implemented. Contact: Hally Cahssai. (Staff presentation: 5 minutes)

Commissioner McAllister moved Item 9 and Commissioner Monahan seconded. The vote was 4-0.

10. Determination of Consistency of Integrated Resource Plans (IRP) with SB 350.

Adoption of CEC determination that integrated resource plans prepared by Burbank Water and Power, Imperial Irrigation District, City of Redding, and City of Roseville Electric Utility are consistent with the requirements of Public Utilities Code §9621. Contact: Paul Deaver. (Staff presentation: 10 minutes)

- a. BURBANK WATER AND POWER. Proposed resolution adopting CEC's determination finding Burbank Water and Power's IRP Filing consistent with the requirements of SB 350.
- b. IMPERIAL IRRIGATION DISTRICT. Proposed resolution adopting CEC's determination finding Imperial Irrigation District's IRP Filing consistent with the requirements of SB 350.
- c. CITY OF REDDING. Proposed resolution adopting CEC's determination finding the City of Redding's IRP Filing consistent with the requirements of SB 350.
- d. CITY OF ROSEVILLE ELECTRIC UTILITY. Proposed resolution adopting CEC's determination finding the City of Roseville Electric Utility's IRP Filing consistent with the requirements of SB 350.

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

11. Minutes.

Possible approval of the October 14, 2019, business meeting minutes.

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

12. Lead Commissioner or Presiding Member Reports.

The Commissioner's reporter on their recent activities.

13. Executive Director's Report. The Executive Director gave a report.

14. Public Adviser's Report. None.

15. Public Comment.

Paul Kengas

Steve Uhler

16. Chief Counsel's Report. None.

- a. Pursuant to Government Code §11126(e), the CEC may adjourn to closed session with its legal counsel to discuss any of the following matters to which the CEC 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, Case No. 34-2016-00204586).
 - iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, Case No. 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. *Helping Hand Tools v. California Energy Commission, and Vantage Data Centers LLC* (Sacramento Superior Court, Case No. 34-2018-80003026)
 - vii. *In re: PG&E Corporation and In re: Pacific Gas and Electric Company* (United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088).
 - viii. *Chukwuemeka (Emeka) Okemiri v. California Energy Commission, et al.* (Sacramento Superior Court, Case No. 34-2018-00246019).
 - ix. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc.* (Sacramento County Superior Court No. 34-2019-00252543).
- b. Pursuant to Government Code §11126(e), the CEC 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 CEC, which might include:

Appearances:

(*by telephone)

Paul Kengas (Comments reads into the record)

Steve Uhler

*David Rosenfeld, Solar Rights Alliance

*Christopher Granda, Appliance Standards Awareness Project

*Laura Gildenqorin, California Association of Rate Payers for Energy Savings

*Daniel Buch, Public Advocates Office at the California Public Utilities Commission

*Mel Hall-Crawford, Consumer Federation of America

Rob Oglesby
Bernadette Del Chiaro, California Solar & Storage Association
Noah Horowitz, NRDC
Ali
Linda Warren Healey
Tim Tutt, Sacramento Municipal Utilities District (SMUD)
Steven G. Lins, SMUD
Ed Hamzawi, SMUD
Daniel Boatman, Grid Defender
Bernadette Del Chiaro, California Solar
& Storage Association
Mary Anderson, PG&E
Bob Raymer, CBIA
Ed Smeloff, Vote Solar
Stephen Campbell, Grid Alternatives
Matt Brost, SunPower
Harold Thomas
Donald Osborn, Spectrum Energy
Lee Miller
Rick Codina
Christopher Worley, Vivint Solar
Al C. Rich, ACR Solar
Mark Abrams, Solar Edge Technologies, Inc.
Ed Murray, Aztec Solar, Inc.
Steve Berlin
Benjamin Davis, California Solar & Storage Association
Joseph H. Cain, Solar Energy Industries
Association (SEIA)
Sheridan Pauker, Keyes & Fox representing CalSSA
Julia Kantor, Keyes & Fox/CalSSA
Alexander McDonough, Sunrun
Susannah Churchill, Vote Solar
Rachel Bird, Borrego Solar
Todd Farhat, SunStreet
Stacey Reineccius, Power Tree
Lauren Cullum, Sierra Club
Julia Randolph
Christina Marshall
Rick Umoff, SEIA
Dan Jacobson, Environment California
Dave Shelby
Megan Shumway
*David Rosenfeld, Solar Rights Alliance
*Dan Gleason Camp, California Native Plant Society

There being no further business, the meeting was adjourned.

Respectfully submitted,

CODY GOLDTHRITE
Secretariat