

# ITEM 17

## State of California

California Energy Commission

Minutes of the July 15, 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

Jane A. Scott, Vice Chair

Karen Douglas, Commissioner

J. Andrew McAllister, Commissioner

Patricia Monahan, 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. **GOVERNOR'S OFFICE OF PLANNING AND RESEARCH.** Proposed resolution approving MOU-19-002 with the Governor's Office of Planning and Research to provide in-kind professional services in support of the California Military Energy Opportunity-Compatibility Assessment and Mapping Project with the Department of Defense. Contact: Jim Bartridge.
  - b. **REVISIONS TO THE GUIDELINES FOR CALIFORNIA'S SOLAR ELECTRIC INCENTIVE PROGRAMS (SENATE BILL 1), SEVENTH EDITION.** Proposed resolution adopting revisions to the *Guidelines for California's Solar Electric Incentive Programs (Senate Bill 1)* and adopting the legal office's determination that this action is exempt from the California Environmental Quality Act (CEQA). Under the California Solar Initiative, the Energy Commission is tasked with developing the eligibility criteria, conditions for incentives, and rating standards for ratepayer-funded incentives. The proposed revisions would remove the limited version years of 2005 and 2008 from the accreditation requirements for third-party test laboratories for PV module performance testing to accommodate recent changes to accreditation standards. This revision will not change or impact testing standards, including PV-module performance testing standards. Contact: Abtin Mehrshahi.
  - c. **FOOD PRODUCTION INVESTMENT PROGRAM.** Proposed resolution approving an amendment to the *Food Production Investment Program Guidelines* to add budget information, modify award size, add eligible technologies, and clarify the technical scoring criteria. (GGRF funding) Contact: Cyrus Ghandi.
  - d. **NEWCOMB ANDERSON MCCORMICK, INC.** Proposed resolution amending Agreement EPC-17-014 with Newcomb Anderson McCormick, Inc. to reduce the budget by \$3,735,704 due to a scope of work change to decrease the deployment size of

advanced plug load management devices, and adopting staff's determination that this action is exempt from CEQA. (EPIC funding) Contact: Felix Villanueva.

- e. SPATIAL INFORMATICS GROUP, LLC. Proposed resolution approving a correction to Resolution No. 2019-0612-14 for Item 14 of the June 12, 2019 Business Meeting to correct the referenced agreement number to EPC-18-026 (instead of EPC-18-014). All other business meeting materials remain unchanged. (EPIC Funding) Contact: Alex Horangic.
- f. ASSOCIATION OF WOMEN IN WATER, ENERGY AND ENVIRONMENT (AWWEE). Proposed resolution approving a purchase order with AWWEE, for a \$5000 co-sponsorship of their 2019 annual conference "Resilience, Adaptation & Innovation: Leading in a Changing Climate," and approving use of the California Energy Commission logo in co-sponsorship advertisements. This co-sponsorship offers opportunities to promote Energy Commission programs and connect with policy and decision makers from the private and public sectors, while joining discussions on stakeholder activities and challenges in the climate change landscape. (ERPA funding) Contact: Tiffany Solorio.
- g. CLEAN TRANSPORTATION PROGRAM POLICY COMMITTEE. Proposed order appointing Commissioner Patricia Monahan to serve as the sole and presiding member of the Clean Transportation Program Policy Committee, an advisory committee. The Commission makes this appointment pursuant to California Code of Regulations (CCR), Title 20, section 3104, and at this time is limiting this to a one-commissioner Committee. Pursuant to CCR, Title 20, section 3105, as the presiding member of this committee, Commissioner Monahan also serves as the presiding member of the advisory body required under Health and Safety Code section 44272.5. Contact: Patrick Brecht.
- h. AIR LIQUIDE HYDROGEN ENERGY U.S., LLC. Proposed resolution approving Amendment 1 to Agreement ARV-17-021 for a hydrogen refueling station located at 3731 East La Palma Avenue, Anaheim, California 92806 to novate ARV-17-021 from Air Liquide Advanced Technologies U.S. LLC to Air Liquide Hydrogen Energy U.S. LLC. Contact: Lawrence Vettraino.
- i. AIR LIQUIDE HYDROGEN ENERGY U.S., LLC. Proposed resolution approving Amendment 6 to Agreement ARV-14-007 for a hydrogen refueling station located at 3601 El Camino Real, Palo Alto, California 94306 to novate ARV-14-007 from Air Liquide Advanced Technologies U.S. LLC to Air Liquide Hydrogen Energy U.S. LLC. Contact: Lawrence Vettraino.
- j. NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS. Proposed resolution approving Agreement 200-19-011 with the National Association of State Energy Officials (NASEO) for a \$23,941 contract to formalize the Energy Commission's membership. This one-year membership allows Energy Commission staff to connect with key policy and decision makers, officials from other state and territorial energy offices, and affiliates from the private and public sectors. The membership also provides a forum for exchanging information, ideas, and resources, and to learn about new funding and partnership opportunities. (ERPA Funding) Contact: Andrea Hoppe.

*Commissioner McAllister moved all items with the exception of Item j and Commissioner Douglas seconded. The vote was unanimous (5-0). Commissioner McAllister announced he is*

*recusing himself from Item 1j because he is the Chair of the Board of NASEO. Commissioner Douglas moved Item 1j and Commissioner Scott seconded. The vote was 4-0.*

2. **Chair Hochschild's China Trip.** Discussion of Chair Hochschild's trip to China from June 9-18, 2019. Chair Hochschild met with senior Chinese officials throughout China to explore ways in which California and China can continue to work together to promote mutually beneficial clean energy and carbon reduction programs. Contact: Alana Sanchez. (Staff presentation: 10 minutes)

*Fan Dai from CalEPA presented Informational Item 2.*

3. **Discussion of Energy Commission Progress on Joint Agency Report, Charting a Path to a 100% Clean Electricity Future (Senate Bill 100).** Staff presentation on the clean energy goals established by Senate Bill 100, and a discussion of its requirement to issue a joint agency report due 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: Courtney Smith and Ken Rider. (Staff presentation: 10 minutes)

*Staff presented Informational Item 3.*

4. **Walsh Data Center (19 SPPE 02).** Proposed order appointing a committee of two commissioners to preside over the small power plant exemption (SPPE) proceeding and any other proceedings arising from the application filed on June 28, 2019, by 651 Walsh Partners, LLC for the proposed Walsh Data Center. The Walsh Data Center would be in Santa Clara and consist of a building that houses data servers and up to 80 megawatts of associated diesel-fueled backup generators to provide an uninterruptible power supply for the servers. The Energy Commission is the lead agency for the project under the Warren-Alquist Act and CEQA, and will prepare the appropriate environmental document. If an SPPE is granted, the project would be exempt from Energy Commission jurisdiction and subject to permitting by the City of Santa Clara and other agencies. Contact: Leonidas Payne. (Staff presentation: 5 minutes)

*Chair Hochschild announced that Commissioner Douglas will be Presiding Member and Commissioner Monahan will be Associate Member. Commissioner Douglas moved approval of the Committee and Commissioner Scott seconded. The vote was unanimous (5-0).*

5. **Renewable Energy for Agriculture Program, GFO-18-401.** This solicitation sought proposals to accelerate the adoption of onsite renewable energy technologies on agricultural operations located in California designed to reduce greenhouse gas (GHG) emissions, reduce demand for fossil fuels and grid electricity, and provide additional co-benefits. (GGRF funding) Contact: Geoff Dodson. (Staff presentation: 5 minutes)
  - a. **LEMOORE UNION HIGH SCHOOL DISTRICT.** Proposed resolution approving Agreement REA-19-001 with Lemoore Union High School District for a \$300,000 grant to install a 413.2 kilowatt solar PV system to serve Lemoore's agricultural programs in Kings County, and adopting staff's determination that this action is exempt from CEQA. This project is expected to benefit priority populations.
  - b. **COSTAMAGNA FARMS NO.3.** Proposed resolution approving Agreement REA-19-002 with Costamagna Farms No.3 for a \$300,000 grant to install a 1,097.3 kilowatt solar PV system to serve a mixed crop farm in Fresno County and adopting staff's determination that this action is exempt from CEQA.

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

6. **City of Trinidad.** Proposed resolution approving Agreement 001-19-ECA with City of Trinidad for a \$49,280 loan at one percent interest for a 14 kWdc rooftop PV system, and adopting staff's determination that this action is exempt from CEQA. The project is estimated to save the city 18,956 kWh of electricity, resulting in annual energy cost savings of \$4,360. (ECAA funding) Contact: Nelson Peña. (Staff presentation: 5 minutes)

*Commissioner McAllister moved Item 6 and Commissioner Scott seconded. The vote was unanimous (5-0).*

7. **Proposed Adoption of the Low Carbon Fuel Production Program (LCFPP) Guidelines.** Proposed resolution adopting the *Low Carbon Fuel Production Program Guidelines*, and adopting a determination that this action is exempt from CEQA. The LCFPP will provide up to \$12.5 million from the Greenhouse Gas Reduction Fund to support low carbon fuel production projects in the transportation sector to reduce GHG emissions. The program will emphasize projects in disadvantaged and low-income communities and will foster projects that provide economic benefits to local communities. Contact: Taiying Zhang. (Staff presentation: 10 minutes)

*Commissioner Monahan moved Item 7 and Commissioner Scott seconded. The vote was unanimous (5-0).*

8. **Bulk Purchase Pricing for Electric School Buses, GFO-18-604.** This solicitation sought proposals to establish bulk purchase prices for electric school buses under the Energy Commission's School Bus Replacement Program. Contact: Diana Gonzalez. (Staff presentation: 5 minutes)
  - a. **THE LION ELECTRIC CO.** Proposed resolution approving ARV-19-002, a zero-dollar agreement with The Lion Electric Co. to establish bulk purchase prices for the following electric school bus types: Type A without chair lift; Type C with and without chair lifts; and Type D with and without chair lifts; and adopting staff's determination that this action is exempt from CEQA.
  - b. **A-Z BUS SALES, INC.** Proposed resolution approving ARV-19-003, a zero-dollar agreement with A-Z Bus Sales, Inc. to establish a bulk purchase price for Type A electric school buses with chair lifts, and adopting staff's determination that this action is exempt from CEQA.

*Commissioner Monahan moved Item 8 and Commissioner Scott seconded. The vote was unanimous (5-0).*

9. **School Bus Replacement for California Public School Districts, County Offices of Education, and Joint Power Authorities, GFO-17-607.** Proposed resolutions approving agreements in the following table that replace 211 old, diesel-powered school buses with clean, all-electric school buses and install supporting charging infrastructure; and adopting staff's determination that the installation of the charging infrastructure is exempt from CEQA. (Clean Energy Job Creation Fund and Clean Transportation Program funding) Contact: Diana Gonzalez. (Staff presentation: 10 minutes)

	Recipient Name	Agreement Number	Award Amount	Number of Buses
a.	Alisal Union Elementary School District	ARV-19-042	\$390,109	1
b.	Anaheim Elementary School District	ARV-19-030	\$2,576,423	7
c.	Anaheim Union High School District	ARV-19-031	\$3,930,534	10
d.	Antelope Valley Schools Transportation Agency	ARV-19-029	\$1,555,672	4
e.	Arcadia Unified School District	ARV-19-016	\$351,524	1
f.	Baldwin Park Unified School District	ARV-19-017	\$1,950,545	5
g.	Cajon Valley Union School District	ARV-19-032	\$390,109	1
h.	Chawanahee Unified School District	ARV-19-044	\$397,470	1
i.	Chico Unified School District	ARV-19-056	\$379,284	1
j.	Colton Joint Unified School District	ARV-19-045	\$351,524	1
k.	Durham Unified School District	ARV-19-057	\$658,978	2
l.	Escalon Unified School District	ARV-19-046	\$780,218	2
m.	Escondido Union High School District	ARV-19-034	\$794,940	2
n.	Fontana Unified School District	ARV-19-047	\$3,901,090	10
o.	Garden Grove Unified School District	ARV-19-035	\$1,950,545	5
p.	Hanford Elementary School District	ARV-19-048	\$1,948,163	5
q.	Hanford Joint Union High School District	ARV-19-049	\$390,109	1
r.	Hemet Unified School District	ARV-19-036	\$3,120,872	8
s.	Holtville Unified School District	ARV-19-037	<del>\$397,470</del> \$390,109	1
t.	Inglewood Unified School District	ARV-19-018	\$780,218	2
u.	Kern County Office of Education	ARV-19-050	\$1,192,410	3
v.	La Mesa-Spring Valley Elementary School District	ARV-19-038	\$3,540,425	9
w.	Lake Tahoe Unified School District	ARV-19-059	\$329,489	1
x.	Liberty Union High School District	ARV-19-060	\$387,727	1
y.	Linden Unified School District	ARV-19-051	\$390,109	1
z.	Lindsay Unified School District	ARV-19-052	\$780,218	2
aa.	Los Angeles Unified School District	ARV-19-019	\$3,877,270	10
bb.	Lynwood Unified School District	ARV-19-020	\$1,174,224	3
cc.	Madera Unified School District	ARV-19-053	\$1,950,545	5
dd.	Mountain View Elementary School District	ARV-19-021	\$1,192,410	3
ee.	Natomas Unified School District	ARV-19-063	\$1,137,852	3
ff.	Norwalk-La Mirada Unified School District	ARV-19-022	\$1,406,096	4
gg.	Ocean View Elementary School District	ARV-19-054	\$780,218	2
hh.	Oroville Union High School District	ARV-19-027	\$780,218	2
ii.	Oxnard Union High School District	ARV-19-055	\$1,170,327	3
jj.	Pajaro Valley Unified School District	ARV-19-011	\$2,966,532	8
kk.	Pleasant View Elementary School District	ARV-19-013	\$780,218	2

ll.	Ravenswood City Elementary School District	ARV-19-064	\$1,177,688	3
mm.	Redwood City Elementary School District	ARV-19-065	\$1,054,572	3
nn.	Riverbank Unified School District	ARV-19-010	\$780,218	2
oo.	Roberts Ferry Union Elementary School District	ARV-19-014	\$390,109	1
pp.	Rowland Unified School District	ARV-19-023	\$3,974,700	10
qq.	Sacramento City Unified School District	ARV-19-004	\$2,105,535	6
rr.	Salinas City Elementary School District	ARV-19-007	\$390,109	1
ss.	Salinas Union High School District	ARV-19-008	\$390,109	1
tt.	San Jacinto Unified School District	ARV-19-040	\$390,109	1
uu.	Santa Maria Joint Union High School District	ARV-19-009	\$390,109	1
vv.	Savanna School District	ARV-19-041	\$397,470	1
ww.	Sonoma Valley Unified School District	ARV-19-069	\$780,218	2
xx.	Stockton Unified School District	ARV-19-005	\$780,218	2
yy.	Sulphur Springs Union Elementary School District	ARV-19-024	\$2,181,550	6
zz.	Taft City Elementary School District	ARV-19-006	\$387,727	1
aaa.	Thermalito Union Elementary School District	ARV-19-028	\$1,939,720	5
bbb.	Traver Joint Elementary School District	ARV-19-012	\$379,284	1
ccc.	Twin Rivers Unified School District	ARV-19-068	\$3,846,965	10
ddd.	Ukiah Unified School District	ARV-19-015	\$741,633	2
eee.	Vacaville Unified School District	ARV-19-067	\$780,218	2
fff.	West Covina Unified School District	ARV-19-025	\$351,524	1
ggg.	Whittier Union High School District	ARV-19-026	\$3,383,030	10
hhh.	Woodland Joint Unified School District	ARV-19-066	\$2,752,846	7
<b>Totals:*</b>			<del>\$80,577,746</del> <b>\$80,570,385</b>	<b>211</b>

\* Includes \$67,917,746 \$67,910,385 in Clean Energy Job Creation Fund funding and \$12,660,000 in Clean Transportation Program funding.

*Commissioner Monahan moved Item 9 and Commissioner McAllister seconded. The vote was unanimous (5-0).*

**10. ChargePoint Inc.** Proposed resolution approving Agreement ARV-19-070 with ChargePoint, Inc. for a \$2,000,000 grant to procure and install new manufacturing equipment at its facility in Campbell, and adopting staff's determination that this action is exempt from CEQA. ChargePoint, Inc. will use the equipment to expand the manufacture of electric vehicle direct current fast charging infrastructure. (Clean Transportation Program funding) Contact: Larry Rillera. (Staff presentation: 5 minutes)

*Commissioner Monahan moved Item 10 and Commissioner Scott seconded. The vote was unanimous (5-0).*

**11. The Regents of the University of California on Behalf of the Davis Campus.** Proposed resolution approving Agreement ~~600-18-007~~ 600-19-007 with The Regents of the University

of California on behalf of the Davis campus for \$400,000 to conduct travel studies of plug-in electric vehicles (PEVs) used for full and part-time ride-hailing, car-sharing, and transit-oriented vehicle services. This agreement will analyze the growing impact of innovative mobility services, including transportation network companies and autonomous vehicle use, on travel behavior and charging demands for non-residential PEV infrastructure. The findings from this study will be incorporated into the Energy Commission's infrastructure modeling work and 2030 infrastructure requirement projections. (Clean Transportation Program funding) Contact: Shaun Ransom. (Staff presentation: 5 minutes)

*Commissioner McAllister moved Item 11 and Commissioner Monahan seconded. The vote was unanimous (5-0).*

**12. Petition to Request a Rulemaking Hearing.** Consideration of and possible action on an order on a petition requesting the Commission to initiate a rulemaking hearing under Title 20 CCR section 1221. The petition was filed by Steve Uhler on June 12, 2019, and certified as complete by the Executive Director on June 18, 2019. The petitioner requests a rulemaking hearing to amend Title 20 of the CCR to provide regulatory language allowing a person wishing to file a document with the Energy Commission to open a docket to receive the filing or otherwise amend section 1208 to ensure the public can file documents in a proceeding with the Energy Commission. Contact: Jared Babula.

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

*Commissioner Douglas moved to deny the petition and approve the order drafted by staff and Commissioner McAllister seconded. The vote was unanimous (5-0).*

**13. Minutes.** Possible approval of the June 12, 2019 business meeting minutes.

*Commissioner Scott moved Item 13 and Commissioner Douglas seconded. The vote was 3-0 with Chair Hochschild and Commissioner McAllister abstaining.*

**14. Lead Commissioner or Presiding Member Reports.** The Commissioners reported on their recent activities.**Executive Director's Report.** The Executive Director gave a report.

**15. Public Adviser's Report.** The Acting Public Adviser gave a report.

**16. Public Comment.** None.

**17. Chief Counsel's Report.** None.

- 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 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, 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 County 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 County 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 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:

Appearances:

(\*by telephone)

Reem Rayef

Kiki Velez

Matt Miccioli

Maryan Asghari

Claire Sugiharn

Fan Dai, CalEPA

Scott Galati, Attorney representing 651 Walsh Partners, LLC

\*Mark Howard, Lemoore Union High School District (Written statement read into the record)

Nate Baguio, Lion Electric Co.

John Landherr, A-Z Bus Sales, Inc.

Dedrick Roper, ChargePoint

Nina Kapoor, RNG Coalition

\*Doug Shald, Ukiah School District



\*Marty Turock, Clean Tech San Diego

There being no further business, the meeting was adjourned.

Respectfully submitted,

CODY GOLDTHRITE  
Secretariat