

State of California
California Energy Commission
Minutes of the April 8, 2020, 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 California Energy Commission's April 8, 2020 Business Meeting will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. The public is able to participate and observe the meeting consistent with the direction in these Executive Orders. Instructions for remote participation can be found in the notice for this meeting and as set forth below in this agenda.

Pursuant to California Code of Regulations Title 20 Section 1104(e), any person may make oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to three minutes per person as to each item listed on the agenda that will be voted on today. Any person wishing to comment on information items or reports (non-voting items) shall reserve their comment for the general public comment portion of the meeting agenda and shall have three minutes total to address all remaining comments.

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. **DIRECTION TO EXECUTIVE DIRECTOR IN RESPONDING TO COVID-19 PANDEMIC RELATED TO POWER PLANT LICENSING AND COMPLIANCE.**
Proposed order directing the Executive Director and Deputy Director of Siting, Transmission, and Environmental Protection Division to: take necessary and appropriate action to streamline and expedite the review and processing of amendment requests and all applications for facility certification and small powerplant exemption; as appropriate, delay, suspend, or extend deadlines for licensed facilities to provide required submissions and meet certification deadlines; for operating facilities, defer compliance of power plant conditions of certification, which execution of is made impractical due to the COVID-19 pandemic; to allow temporary measures taken by facility owners to protect

worker health or ensure reliability to not be considered a change in facility operations, design or performance; and other appropriate activities. Contact Jared Babula.

- b. LINDEN UNIFIED SCHOOL DISTRICT. Proposed resolution approving Amendment 1 to Agreement ARV-19-051 with Linden Unified School District to: 1) increase the number of all-electric school buses and supporting infrastructure from one to two, 2) increase the total award amount by \$393,909, 3) modify bus specifications, and 4) adopt staff's determination that the installation of the charging infrastructure is exempt from CEQA. Contact: Diana Gonzalez.
- c. DOE-NATIONAL RENEWABLE ENERGY LABORATORY. Proposed resolution approving Amendment 4 to contract Agreement 600-15-001 with the U.S. Department of Energy's National Renewable Energy Laboratory to add Task 10, titled High Power Charging for Commercial Vehicles, to perform functional evaluations of charging systems to support interoperability among multiple vehicle and equipment manufacturers deploying charging infrastructure in California. (Clean Transportation Program funding) Contact: Patrick Brecht.
- d. FRANKLIN ENERGY SERVICES/BUILD IT GREEN. Proposed resolution approving a novation substituting Franklin Energy Services, LLC for Build It Green under Agreement EPC-15-097 and adopting staff's determination that this action is exempt from CEQA. Build It Green recently sold the portion of its business performing EPC-15-097 to Franklin Energy Services, LLC. All aspects of the grant project including the project team, scope of work, project schedules, deliverables, budget, and terms and conditions will remain the same. (EPIC Funding) Contact: Adel Suleiman.
- e. ADVANCED MICROGRID SOLUTIONS, INC./MAZZETTI, INC. Proposed resolution approving Amendment 3 to Agreement PIR-16-004 for a novation replacing Advanced Microgrid Solutions, Inc. with Mazzetti, Inc. and adopting staff's determination that this action is exempt from CEQA. Advanced Microgrid Solutions, Inc. withdrew from the project and Mazzetti, Inc. is a major subcontractor on the project. There are no changes to the scope of work. This \$1,216,707 grant funds the demonstration of an efficient, advanced air distribution design approach that will reduce natural gas use. (PIER Funding) Contact: Amir Ehyai.
- f. CALIFORNIA STATE PIPE TRADES COUNCIL 2019 UPDATE REPORT (13-ATTCP-01). Proposed resolution approving the California State Pipe Trades Council (CSPTC) nonresidential mechanical acceptance test technician certification provider update report for the *2019 Building Energy Efficiency Standards* (Energy Code). This will allow CSPTC to administer its proposed program changes and training curricula adjustments for the 2019 Energy Code. Contact: Joe Loyer.
- g. MODESTO IRRIGATION DISTRICT (20-EPS-01). Proposed order approving the Executive Director's recommendation that the Modesto Irrigation District's Power

Purchase Agreement with Roseburg Forest Products Co. for the procurement of bioenergy from the Weed Cogeneration Plant be found compliant with the Emission Performance Standard for Local Publicly Owned Electric Utilities pursuant to Senate Bill (SB) 1368 (California Code of Regulations, Title 20, Sections 2900-2913). Contact: Michael Nyberg.

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

2. Martha Brook.

Proposed resolution recognizing and commending Martha Brook for her contributions to the CEC. (Staff Presentation: 5 minutes)

The Commissioners presented Martha Brook with a resolution and commended her for her contributions to and achievements at the Energy Commission. No vote was taken.

3. Appliance Efficiency Regulations Rulemaking for Replacement Dedicated-Purpose Pool Pump Motors and Dedicated-Purpose Pool Pumps (Docket Number 19-AAER-02).

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, Sections 1601-1607 to incorporate new appliance efficiency regulations for Replacement Dedicated-Purpose Pool Pump Motors and Dedicated-Purpose Pool Pumps. Contact: Sean Steffensen. (Staff presentation: 10 minutes)

- a. **NEGATIVE DECLARATION FOR THE PROPOSED APPLIANCE EFFICIENCY REGULATIONS FOR REPLACEMENT DEDICATED-PURPOSE POOL PUMP MOTORS AND DEDICATED-PURPOSE POOL PUMPS.** Negative Declaration, which includes a finding of No Significant Impact under CEQA, for the proposed regulations for Replacement Dedicated-Purpose Pool Pump Motors and Dedicated-Purpose Pool Pumps. This proposed adoption comes after a 30-day public comment period necessary to comply with CEQA guidelines.
- b. **APPLIANCE EFFICIENCY REGULATIONS FOR REPLACEMENT DEDICATED-PURPOSE POOL PUMP MOTORS AND DEDICATED-PURPOSE POOL PUMPS.** Changes to Title 20, §Sections 1601-1607 to incorporate new appliance efficiency regulations for Replacement Dedicated-Purpose Pool Pump Motors and Dedicated-Purpose Pool Pumps. The changes for Replacement Dedicated-Purpose Pool Pump Motors and Dedicated-Purpose Pool Pumps include: new definitions; a minimum efficiency performance standard; and certification requirements. This proposed adoption comes after a 45-day public comment period and public hearing necessary to comply with the California Administrative Procedure Act.

Commissioner McAllister moved Item 3 and Commissioner Douglas seconded. The vote was unanimous (5-0).

4. Local Ordinance Applications (19-BSTD-06).

Possible approval of seven resolutions for seven separate applications submitted by local jurisdictions for energy ordinances that exceed the energy efficiency requirements of the 2019 Energy Code (Title 24, Part 6). Contact: Danuta Drozdowicz. (Staff presentation: 5 minutes)

- a. PACIFICA. New ordinance requiring new single-family and up to three-story multifamily buildings, but not accessory dwelling units (ADUs), to use electricity for space conditioning, water heating, and clothes dryers. Natural gas may be used for cooking and fireplaces if there is pre-wiring for future electric appliance installation. Nonresidential and high-rise residential (greater than three stories) buildings must be all-electric and must install solar photovoltaic (PV) systems; 3 Kilowatt (kW) systems for buildings under 10,000 square feet (sq. ft.), and 5 kW for buildings over 10,000 sq. ft. Public agencies, such as fire and police stations, and commercial kitchens may request an exception but must pre-wire for electric appliances if they use gas.
- b. SAN RAFAEL. New ordinance requiring that new buildings, both residential and nonresidential, comply with Tier 1 of the 2019 California Green Building Standards Code, either Appendix A4, or A5 depending upon occupancy type.
- c. MILL VALLEY. New ordinance requiring new buildings to comply with Tier 1 of the 2019 California Green Building Standards Code and meet higher efficiency standards if gas is used. If gas is used for cooking and fireplaces only, single family and duplex buildings must demonstrate an Energy Design Rating (EDR) compliance margin of 3, low-rise multifamily an EDR compliance margin of 0.5 and high-rise multifamily a compliance margin of 5 percent. Mixed fuel single-family and duplex buildings must demonstrate an EDR compliance margin of 3 and a total EDR compliance margin of 10, low-rise multifamily an EDR compliance margin of 0.5 and a total EDR margin of 10, and high-rise multifamily a compliance margin of 10 percent. All residential buildings must be wired for induction cooking.
- d. SARATOGA. New ordinance requiring new buildings to use electricity for space and water heating. ADUs are exempt, and public emergency centers can claim exemption if they demonstrate that electric space and water heating are neither cost effective nor feasible. Pre-wiring for electric appliances is required if natural gas appliances are installed for cooking, clothes drying, fireplaces, or pool and spa equipment.
- e. SAN FRANCISCO. New ordinances requiring that new buildings and alterations achieve a minimum of 75 points using the Green Point Rated system or, alternatively, Leadership in Energy and Environmental Design (LEED) v4 Silver Certification. High-rise residential, hotel/motel and nonresidential buildings are required also to install either solar PV, solar thermal hot water, or vegetative roofs. New mixed fuel low-rise residential, high-rise residential and nonresidential buildings are required to meet higher efficiency standards: mixed fuel residential low-rise buildings shall achieve an EDR of 14, and mixed fuel residential high-

rise and nonresidential buildings shall use 10 percent less energy than code compliant buildings. Nonresidential factory, hazardous material, and laboratory occupancies are exempt from increased efficiency requirements.

- f. CUPERTINO. New ordinance requiring all new buildings to be all-electric, with some exemptions: additions, tenant improvements, and nonresidential factory, hazardous material, and laboratory occupancies are exempt. Essential facilities, nonresidential commercial kitchens, and projects that can demonstrate that there is no possible electric compliance pathway may apply for an exemption. Pre-wiring for electric equipment and appliances is required where gas equipment and appliances are installed.
- g. LOS ANGELES. New ordinance requiring that all buildings install cool roofs for the reduction of the heat island effect with the following exemptions: roof repairs, replacement of less than 50 percent of the roof area, installation of building integrated photovoltaics and/or vegetative roofs, and, additions resulting in less than 500 sq. ft. of added roof area or less than 50 percent of total roof area, whichever is greater. Low sloped roofs with less than 2 inches of vertical drop for every 12 inches of horizontal distance ($\leq 2:12$) on nonresidential buildings shall install cool roofing material with a Solar Reflectance Index (SRI) of 82. Nonresidential steep sloped ($> 2:12$) roofs shall install cool roofing materials with an SRI of 27. All other buildings shall have roofing materials with an SRI of 78 for low slopes and an SRI of 20 for steep slopes.

Commissioner McAllister moved Item 4 and Commissioner Scott seconded. The vote was unanimous (5-0).

5. Proposed Resolution Approving ECAA Loans to the City of Los Angeles, City of Citrus Heights, Biola Community Services District, and the City of Parlier.

Contact: David Michel. (Staff presentation: 5 minutes)

- a. CITY OF LOS ANGELES. Proposed resolution approving Agreement 013-19-ECI with the City of Los Angeles for a \$3,000,000 loan at one percent interest to replace 12,000 70-watt street light fixtures with 29-watt streetlight fixtures throughout the City, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save the City 2 gigawatt-hours of electricity annually, resulting in annual energy cost savings of \$361,325. The simple payback on the loan amount is approximately 8.3 years. (ECAA funding)
- b. CITY OF CITRUS HEIGHTS. Proposed resolution approving Agreement 014-19-ECI with the City of Citrus Heights for a \$611,677 loan at one percent interest and adopting staff's determination that this action is exempt from CEQA. The proposed project includes retrofitting landscaping and street lighting to light emitting diodes (LED) citywide. The project is estimated to save the City 425,197 kilowatt-hours (kWh) of electricity, resulting in annual energy cost savings of \$36,343. The simple payback on the loan amount is approximately 16.8 years. (ECAA funding)

- c. BIOLA COMMUNITY SERVICES DISTRICT. Proposed resolution approving Agreement 015-19-ECI with Biola Community Services District for a \$881,904 loan at one percent interest and adopting staff's determination that this action is exempt from CEQA. The proposed project includes the installation of four solar photovoltaic systems totaling 182.1 kilowatts direct current at four sites, the retrofit of an HVAC system, and retrofit a cool roof. The project is estimated to save the District 299,979 kWh of electricity, resulting in annual energy cost savings of \$57,066. The simple payback on the loan amount is approximately 15.5 years. (ECAA funding)
- d. CITY OF PARLIER. Proposed resolution approving Agreement 016-19-ECI with City of Parlier for a \$1,210,560 loan at one percent interest to retrofit lighting, replace an HVAC, and install PV systems in the City's municipal buildings, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save the City 395,838 kWh annually, resulting in annual energy cost savings of \$73,766. The simple payback on the loan amount is approximately 16.4 years. (ECAA funding)

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

6. Renewables Portfolio Standard 2011-2013 Verification Results Report (11-RPS-01).

Proposed resolution adopting the Renewables Portfolio Standard Verification Results Report for Los Angeles Department of Water and Power (LADWP) for Compliance Period 1 (2011-2013), (RPS Verification Results Report). The RPS Verification Results Report contains information specific to LADWP including procurement target and portfolio balance requirements and any deficits thereto, the amount of eligible renewable energy retired and applied shown by Portfolio Content Category and other classifications, any historic carryover and excess procurement amounts. Contact: Chris Metzker. (Staff presentation: 5 minutes)

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

7. Electric Program Investment Charge (EPIC) 2019 Annual Report.

Consideration and possible adoption of a resolution approving the EPIC 2019 Annual Report to the Legislature. Contact: Laurie ten Hope. (Staff presentation: 10 minutes)

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

8. Update on Site Selection and Outreach for Oakland EcoBlock Project Demonstration.

Informational presentation on EPC-18-013: The Oakland EcoBlock, Phase II: A Zero Net Energy, Low Water-Use Retrofit Neighborhood Demonstration Project. The project required the recruitment of a new block for the Phase II build-out of the

Ecoblock model designed under Phase I. The team leveraged this opportunity to develop a replicable and innovative block recruitment and selection process. The presentation will provide an update on Phase II, including the lessons learned that can be shared with other communities in their development of advanced energy communities. The presentation will highlight UC Berkeley's community-based self-selection recruitment strategy, newly defined EcoBlock selection criteria, technical evaluation of prospective blocks, and ultimate selection of the new block. (EPIC funding) Contact: Michael Ferreira. (Staff presentation: 10 minutes)

Alexandra von Meier, EECS at UC Berkeley, presented information Item 8. No vote was taken.

9. Advance to Next-Generation Wind Energy Technology (Next Wind) – GFO-19-302.

This solicitation sought proposals to fund applied research and development projects that facilitate the development of next-generation wind energy technologies and result in increased competitiveness, performance and reliability, while lowering the cost and the environmental and wildlife impacts of wind energy. (EPIC funding) Contact: Silvia Palmas-Rojas. (Staff presentation: 5 minutes)

- a. JASON COTRELL, DBA RCAM TECHNOLOGIES. Proposed resolution approving Agreement EPC-19-007 with Jason Cotrell dba RCAM Technologies for a \$2,999,979 grant to design, manufacture, demonstrate, and test prototypes of wind tower sections and offshore wind energy components using an onsite three-dimensional concrete printed (3DCP) manufacturing process and design, and adopting staff's determination that this action is exempt from CEQA. The advancement in scientific knowledge in 3DCP materials, manufacturing methods and large-scale structural performance will facilitate the deployment of large land-based and offshore wind technologies that use 3DCP manufacturing methods to increase the cost-competitiveness of the wind energy generation needed to meet California's statutory energy goals.
- b. AKER SOLUTIONS. Proposed resolution approving Agreement EPC-19-008 with Aker Solutions, Inc., for a \$2,000,000 grant and adopting staff's determination that this action is exempt from CEQA. The project will establish a digital foundation of a floating offshore wind installation enabling continuous improvements in production optimization, maintenance strategies, levelized cost of energy, and understanding and mitigating environmental impacts of offshore wind projects.
- c. DOE-LAWRENCE BERKELEY NATIONAL LABORATORY. Proposed resolution approving Agreement EPC-19-010 with Lawrence Berkeley National Laboratory for a \$2,000,000 grant to develop and test a high-resolution optic sensing system for real-time monitoring of offshore wind turbine operations and marine animal activities, and adopting staff's determination that this action is exempt from CEQA for phase 1 of this project. Phase 1 focuses on developing and testing the fiber optic sensing system at lab scale. A possible phase 2 field demonstration is subject to future Energy Commission approval.

- d. INTEGRAL CONSULTING INC. Proposed resolution approving Agreement EPC-19-009 with Integral Consulting Inc. for a \$500,000 grant to investigate the effects of large-scale offshore wind farms on wind stress reduction and the potential impacts on coastal upwelling, and adopting staff's determination that this action is exempt from CEQA.
- e. HUMBOLDT STATE UNIVERSITY SPONSORED PROGRAMS FOUNDATION. Proposed resolution approving Agreement EPC-19-011 with the Humboldt State University Sponsored Programs Foundation for a \$500,000 grant to develop a three-dimensional model of seabird density above waters offshore California, and adopting staff's determination that this action is exempt from CEQA. The model will be used to evaluate the relative risk to seabirds from different wind power farm locations and designs.

Commissioner Scott moved Item 9 and Commissioner Douglas seconded. The vote was unanimous (5-0).

10. Storage Monitoring, Smart Shutoff and 3D Mapping Technologies for Safer Natural Gas Infrastructure – GFO-19-502.

This solicitation sought proposals to fund natural gas infrastructure safety and integrity projects that research, develop, and demonstrate advanced technologies to monitor natural gas system conditions, respond to emergencies rapidly and automatically, and detect, measure, and visualize underground pipeline infrastructure. (PIER funding) Contact: Yahui Yang (Staff presentation: 5 minutes)

- a. PAULSSON, INC. Proposed resolution approving Agreement PIR-19-001 with Paulsson, Inc. for a \$1,500,000 grant to develop and demonstrate a downhole multi-sensor array based on fiber optic sensing technologies to monitor a natural gas storage reservoir, and adopting staff's determination that this action is exempt from CEQA. This multi-sensor array will include all-optical pressure, acoustic, strain and temperature sensors to provide real-time monitoring.
- b. LAWRENCE BERKELEY NATIONAL LABORATORY. Proposed resolution approving Agreement PIR-19-002 with Lawrence Berkeley National Laboratory for a \$1,500,000 grant to develop and demonstrate electromagnetic and optical sensor systems to monitor natural gas storage borehole operation and integrity, and adopting staff's determination that this action is exempt from CEQA. The sensor systems are expected to detect borehole damages, deformations or leakage events by providing real time monitoring data of temperature, strain and vibration.
- c. INSTITUTE OF GAS TECHNOLOGY DBA GAS TECHNOLOGY INSTITUTE. Proposed resolution approving Agreement PIR-19-003 with Institute of Gas Technology dba Gas Technology Institute for a \$1,034,930 grant to develop, test, and demonstrate a smart natural gas shutoff system for residential and commercial buildings, and adopting staff's determination that this action is exempt from CEQA. The smart shutoff system offers an additional layer of protection during hazardous events. The recipient will identify gas safety sensors,

integrate them into a smart shutoff platform, and provide network connectivity to monitor the system status.

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

11. FOOD PRODUCTION INVESTMENT PROGRAM 2019 – GFO-19-901.

This solicitation sought proposals to accelerate the adoption of advanced energy efficiency and renewable energy technologies at California food processing plants, demonstrate their reliability and effectiveness, help California food processors work towards a low carbon future, and benefit priority populations. The technologies funded will reduce energy use and greenhouse gas (GHG) emissions associated with food production. (GGRF funding) Contact: Cyrus Ghandi. (Staff presentation: 5 minutes)

- a. AEMETIS ADVANCED FUELS KEYES, INC. Proposed resolution approving Agreement FPI-19-012 with Aemetis Advanced Fuels Keyes, Inc. for a \$6,000,000 grant to install and operate an advanced, energy efficient evaporator and distillation system to reduce natural gas consumption and GHG emissions at the recipient's biofuels and animal food processing facility in Keyes, and adopting staff's determination that this action is exempt from CEQA. This project is expected to provide benefits to priority populations through criteria pollutant emissions reductions.
- b. GALLO CATTLE COMPANY, LP DBA JOSEPH GALLO FARMS. Proposed resolution approving Agreement FPI-19-014 with Gallo Cattle Company, LP dba Joseph Gallo Farms for a \$3,482,450 grant to construct and operate an innovative manure digester at the recipient's integrated cheese processing facility and dairy farm in Atwater, and adopting staff's determination that this action is exempt from CEQA. The digester will produce more renewable electricity from biogas than the present system, thereby reducing GHG emissions from energy consumption.
- c. ANHEUSER-BUSCH, LLC. Proposed resolution approving Agreement FPI-19-017 with Anheuser-Busch, LLC for a \$5,771,259 grant to design, install, and operate a microgrid system that will produce and store renewable electricity at the recipient's brewery in the Los Angeles area, and adopting staff's determination that this action is exempt from CEQA. The microgrid system will produce and store renewable electricity, providing reliability while reducing operating costs and GHG emissions at the facility. This project is expected to provide benefits to priority populations through job creation.
- d. THE NEIL JONES FOOD COMPANY. Proposed resolution approving Agreement FPI-19-018 with The Neil Jones Food Company for an \$8,000,000 grant to design, install, and operate a microgrid system at the recipient's tomato processing facility in Firebaugh, and adopting staff's determination that this action is exempt from CEQA. The microgrid system will produce and store

renewable electricity, providing reliability while reducing grid electricity consumption and GHG emissions associated with the facility.

Commissioner Scott moved Item 11 and Commissioner Douglas seconded. The vote was unanimous (5-0).

12. LOW-CARBON FUEL PRODUCTION PROGRAM -- GFO-19-601.

This solicitation sought proposals to reduce GHG emissions, further the purposes of AB 32 and SB 32, and must be located in California. (GGRF funding) Contact: Taiying Zhang. (Staff presentation: 5 minutes)

- a. MERCED PIPELINE, LLC. Proposed resolution adopting California Environmental Quality Act Findings for Merced Pipeline LLC's (Merced) Merced Pipeline Dairy Cluster Project and approving grant Agreement LCF-19-002 with Merced.
 - i. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS. Findings that, based on the lead agency Merced County's Initial Study and Mitigated Negative Declaration (MND), and the County's Conditional Use Permit No. CUP19-003 approving and adopting the MND, the work under the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated.
 - ii. MERCED'S PIPELINE CLUSTER DAIRY BIOGAS CONDITIONING SYSTEM PROJECT. Proposed resolution approving Agreement LCF-19-002 with Merced Pipeline LLC for a \$2,518,948 grant to construct a new facility for the cleanup and upgrade of dairy biogas from nine participating dairies in Merced County. The resulting project will produce nearly 2.5 million diesel gallon equivalents (DGE) per year of renewable natural gas transportation fuel with a carbon intensity score of approximately -290 gCO₂e/MJ.
- b. LAKESIDE PIPELINE, LLC. Lakeside Pipeline, LLC. Proposed resolution adopting CEQA Findings for Lakeside Pipeline LLC's Lakeside Pipeline Cluster Project and approving grant agreement LCF-19-003 with Lakeside.
 - i. CEQA FINDINGS. Findings that, based on the lead agency Kings County's (County) Initial Study and MND, and the County's Resolution No. 19-03 approving and adopting the MND, the work under the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered and mitigated.
 - ii. LAKESIDE'S PIPELINE CLUSTER BIOGAS CONDITIONING SYSTEM PROJECT. Proposed resolution approving Agreement LCF-19-003 with Lakeside Pipeline, LLC for a \$798,052 grant to construct a new facility for the cleanup and upgrade of dairy biogas from nine participating dairies in Kings County. The resulting project will produce over 2.9 million diesel gallon equivalents (DGE) per year of renewable natural gas transportation fuel with a carbon intensity score of approximately -298 g CO₂e/MJ.

- c. RIALTO BIOENERGY FACILITY, LLC. RIALTO BIOENERGY FACILITY, LLC. Proposed resolution adopting CEQA findings and statement of overriding considerations for Rialto Bioenergy Facility LLC's biomethane project and approving Agreement LCF-19-004 with Rialto Bioenergy Facility, LLC.
 - i. CEQA FINDINGS. Findings that based on the Lead Agency, the City of Rialto's certified Final Environmental Impact Report, adopted Mitigation, Monitoring and Reporting Program, adopted Statement of Overriding Considerations, resolution regarding the aforementioned documents, as well as the City of Rialto's resolution approving the projects, its filed Notice of Determination, and the City of Rialto's Action Agenda—the work under the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered.
 - ii. RIALTO BIOENERGY FACILITY LLC'S BIOMETHANE PROJECT. Agreement with Rialto Bioenergy LLC for \$5,000,000 to construct a new biogas upgrading facility, which will process 300 tons per day of organic waste, resulting in 2.4 million DGE per year of new renewable natural gas for transportation fuel use with a carbon intensity of -189 gCO₂e/MJ.

Commissioner Monahan moved Item 12 and Commissioner McAllister seconded. The vote was unanimous (5-0).

13.Minutes.

Possible approval of the March 11, 2020, business meeting minutes.

Commissioner McAllister moved Item 13 and Commissioner Scott seconded. The vote was unanimous (5-0).

14.Lead Commissioner or Presiding Member Reports.

The Commissioner's reporter on their recent activities.

15.Executive Director's Report.

The Executive Director gave a report.

16.Public Advisor's Report.

The Public Advisor gave a report.

17.Public Comment.

Diego Morales, Brightline Defense

18.Small Power Plant Exemption for the Laurelwood Data Center (19-SPPE-01).

Consideration of and possible action on the request for reconsideration of the Commission's Final Decision of February 4, 2020. On March 5, 2020, Intervenor Robert Sarvey filed a request for reconsideration of the Commission's Decision to grant a small power plant exemption for the Laurelwood Data Center. If the CEC denies this request, then the Commission's Decision stands. If the CEC grants this request, the CEC must determine the procedure by which to resolve any matter being reconsidered, including but not limited to, referring the matter back to the Committee or reopening the evidentiary record. Contact: Darcie Houck. (No formal

staff presentation; parties will be able to present arguments or make comment as to their position on the motion for reconsideration consistent with the direction provided by the Chairman.)

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

Commissioner Douglas moved Item 18 to deny the Motion for Reconsideration and approve the Proposed Order with the changes described by the Hearing Officer, Susan Cochran and Commissioner Scott seconded. The vote was unanimous (5-0).

19. Chief Counsel's Report.

- a. Pursuant to Government Code Section 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. *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).
 - vii. *Chukwuemeka (Emeka) Okemiri v. California Energy Commission, et al.* (Sacramento Superior Court, Case No. 34-2018-00246019).
 - viii. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc.* (Sacramento County Superior Court No. 34-2019-00252543).
 - ix. *Olson-Ecologic Testing Laboratories, LLC v. CEC.* (Orange County Superior Court. Case No. 30-2019-01115513).

Pursuant to Government Code Section 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 personnel matters.

None.

Appearances:

(*by telephone)

*Alexandra von Meier, EECS at UC Berkeley

*Robert Sarvey, Helping Hand Tools

*Jeffrey D. Harris, Ellison Schneider Harris & Donlan LLP on behalf of Laurelwood Data Center

*Jerry Salamy, CH2M/Jacobs

*Chad Worth, Energy Solutions, on behalf of the California Investor Owned Utilities

*Mary Anderson, Pacific Gas And Electric

* Jennifer Hatfield, Pool and Hot Tub Alliance

* Noah Horowitz, Natural Resources Defense Council, NRDC

* Joanna Mauer, Appliance Standards Awareness Project

*Paul Lavallee, Arkema

*Lauren Cullum, Sierra Club California

*Mo Li, UCI

*Jonah Margulis, Aker Solutions

*Dr. Stephen Hatley, Merced Pipeline LLC

*Dr. Andrew Dale, Rialto Bioenergy Facility

*Diego Morales, Brightline Defense

There being no further business, the meeting was adjourned.

Respectfully submitted,

CODY GOLDTHRITE
Secretariat