

State of California
California Energy Commission
Minutes of the June 25, 2021, Energy Commission Business Meeting

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

Present:

David Hochschild, Chair
Karen Douglas, Commissioner
Siva Gunda, Commissioner

Patricia Monahan, Commissioner
J. Andrew McAllister, Commissioner

The California Energy Commission's (CEC) June 25, 2021 Business Meeting will be held remotely, consistent with Executive Order N-08-21 to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic. The public can participate consistent with the direction in the Executive Order.

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 or less per person. Any person wishing to comment on information items or reports (non-voting items) shall speak during the general public comment portion of the meeting and have three minutes or less to address all remaining comments.

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

1. Small Power Plan Exemption for the Sequoia Backup Generating Facility (19-SPPE-03).

Consideration and possible approval of an order adopting the Committee Revised Proposed Decision on the Application for a Small Power Plant Exemption (SPPE) for the Sequoia Backup Generating Facility (19-SPPE-03). The Committee issued the Revised Proposed Decision on June 4, 2021, and it includes a Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA). The project would include 54 2.25-megawatt (MW) standby diesel generators to provide an uninterruptible power supply to the Sequoia Data Center when there is an interruption to the electrical supply. Located at 2600 De La Cruz Boulevard in Santa Clara, California, the generators would be restricted to generating electricity to meet the Sequoia Data Center electrical load of 96.5 MW and would not be connected to the grid. Contact: Susan Cochran (Staff Presentation: 15 minutes)

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

Commissioner Douglas moved to approve item 1 by adopting the proposed Order that was prepared and filed in the Docket with the following changes:

- 1. Delete the text on page one of the proposed Order that reads [and Errata, dated June xx, 2021] and related footnote at the bottom of page 1.*

2. *Delete the bracketed information in numbered paragraph 1 on page 2.*
3. *Delete the bracketed information in numbered paragraph 3 on page 2 and add the following text after the end of the first sentence in that paragraph: The Hearing and Policy Unit of the Chief Counsel's Office is directed to update footnote 131 on page 14, footnotes 132 and 134 on page 15, and footnote 166 on page 21 to reflect the relevant transaction number from the docket for the identified documents in preparing the Commission Final Decision.*

Commissioner Monahan seconded. The vote was (5-0).

2. El Segundo Energy Center (00-AFC-14C).

Possible approval of a proposed order modifying Condition of Certification AQ-11 to uprate Units 5 and 7 gas turbines. The primary purpose and need for this amendment is to increase the allowable heat rate to be more representative of the "maximum" heat input rating of the equipment increasing net generation by 30 MW. The facility is dispatched to serve peak power demand and needs to be permitted to operate at the maximum possible load to service that demand. Staff concludes that the modifications to the Air Quality Condition of Certification meet the requirements of California Code of Regulations, title 20, section 1769.1(a) and will not result in a significant impact to the environment or cause the project to be out of compliance with any laws, ordinances, regulations, or standards. Contact: Joseph Douglas (Staff Presentation: 10 minutes)

Commissioner Douglas moved to approve Item 2. Commissioner McAllister seconded. The vote was (5-0).

3. Walnut Creek Energy Park (05-AFC-02C).

Proposed order approving the petition to amend the Conditions of Certification AQ-3, 4, 6, and 12 regarding the hourly fuel input and ammonia flow rates to gain a higher turbine output, for an increase of approximately 17.4 megawatts. Staff concludes the facility operational modifications to the Air Quality Conditions of Certification meet the requirements of California Code of Regulations, title 20, section 1769.1(a) and will not result in a significant impact to the environment or cause the facility to be out of compliance with any laws, ordinances, regulations, or standards. Contact: Eric Veerkamp (Staff Presentation: 5 minutes)

Commissioner Douglas moved to approve Item 3. Commissioner Gunda seconded. The vote was (5-0).

4. California Schools Healthy Air, Plumbing and Efficiency Program (20-RENEW-01).

Proposed resolution approving guidelines for the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation Program established under Assembly Bill 841 (Ting, Chapter 372, Statutes of 2020) and adopting staff's determination that this action is exempt from CEQA. The guidelines provide the

requirements for applicant and project eligibility and describe the application process and award distribution. The CalSHAPE Ventilation Program will provide grant funding to local educational agencies to assess, maintain, and repair HVAC units in California schools located in underserved areas as defined by AB 841. Contact: Jonathan Fong (Staff Presentation: 5 minutes)

Commissioner Douglas moved to approve Item 4. Commissioner McAllister seconded. The vote was (5-0).

5. Lead Commissioner or Presiding Member Reports.

The Commissioners reported on their recent activities.

6. Executive Director's Report.

The Executive Director had nothing to report.

7. Public Advisor's Report.

The Public Advisor had nothing to report.

8. Public Comment.

None.

9. 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, Court of Appeal, First Appellate District, Division Four, Case No. A157299).*
 - iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck (Sacramento County Superior Court, Case No. 34-2016-00204586-CU-BC-GDS).*
 - iv. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc (Sacramento County Superior Court, Case No. 34-2019-00252543-CU-BC-GDS).*
 - v. *Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King (United States District Court for the Eastern District of California, Case No. 2:20-cv-02283).*

- vi. *Southern California Gas Company v. California State Energy Resources Conservation and Development Commission* (Sacramento County Superior Court, Case No. 34-2021-80003576-CU-WM-GDS).
- b. Pursuant to Government Code sections 11126 (a) and (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.

The Chief Counsel had nothing to report. The Chief Counsel recommended closed session for item 9(a). The Chair announced the Commission would go into closed session for items 9(a)(ii) and 9(a)(vi). Upon return from closed session, Commissioner Douglas announced they had nothing to report and the business meeting was adjourned.

Appearances:

George Piantka

Mike Murphy

Dawn Anaiscourt

Arun Kulkarni

Chris Walker

Christopher Ruch

There being no further business the meeting was adjourned.

Respectfully submitted,

LIZA LOPEZ

Secretariat