

State of California
California Energy Commission
Minutes of the July 15, 2021, Energy Commission Business Meeting

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

Present:

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

Patricia Monahan, Commissioner
J. Andrew McAllister, Commissioner

The California Energy Commission's (CEC) July 15, 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 may 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. 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. Cuberg, Inc. Proposed resolution approving a change in grant recipient for Agreement EPC-18-015 with Cuberg, Inc. due to an acquisition by Northvolt AB, and adopting staff's determination that this action is exempt from the California Environmental Quality Act (CEQA). The proposed recipient will continue to operate as Cuberg, Inc., with a California Entity Number of C4715126, and there are no other changes to the agreement documents or terms from what was approved on June 12, 2019. This \$1,566,639 grant funds the setup and commissioning of a pilot-scale production facility for manufacturing lithium-metal battery pouch cells. (EPIC Funding) Contact: Josh Croft

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

2. Muoi-Lynn Tran.

Proposed resolution recognizing and commending Muoi-Lynn Tran for her contributions to the CEC. Contact: Linda C. Barrera (Staff Presentation: 5 minutes)

Chief Counsel, Linda Barrera, presented Muoi-Lynn Tran with a resolution and commended her for her contributions to and achievements at the Energy Commission. No vote was taken.

3. Russell City Energy Center (RCEC) Petition for Temporary Safety Modifications (01-AFC-07C).

Proposed order approving temporary modifications to the RCEC power plant allowing the facility to operate in a simple-cycle mode during repairs to the steam turbine. Staff has concluded that potential environmental impacts from the repair activities and modified operations would be less than significant and the project would remain in compliance with all applicable laws, ordinances, regulations, and standards with the continued implementation of existing conditions of certification in the Final Commission Decision for RCEC. Contact: Elizabeth Huber (Staff Presentation: 5 minutes)

Commissioners and Chief Counsel discussed changes to the proposed order that were proposed by Commissioner McAllister. A copy of the revised proposed order was filed in the docket and emailed to Commissioners. Chair Hochschild proposed a hold on Item 3 to resume possible consideration and vote after Item 9.

After Item 8 was voted on, Chair Hochschild announced he will need to step away to do a press availability with Secretary Crowfoot on the new energy infrastructure office and proposed Commissioner Douglas to lead the business meeting.

Commissioner Douglas moved Item 3 to be heard at 2:30 pm

Commissioner Douglas announced Chair Hochschild returned to the business meeting at the start of Commissioner discussion. Chair Hochschild proposed Commissioner Douglas continue to chair the meeting. Commissioner Gunda returned to the business meeting during Commissioner discussion.

A copy of the second revised proposed order was emailed to Commissioners and parties and filed in the docket. Commissioners discussed the changes in the second revised proposed order proposed by the applicant. The Chief Counsel read the following changes in the second revised order:

- 1. Add a new third bullet: it is prudent for the CEC to exercise enhanced scrutiny over the facility given the circumstances that gave rise to the petition, and it is reasonable for the public to have access to safety audits conducted pertaining to the operation of the facility, including the circumstances that gave rise to the petition,*
- 2. The fourth bullet stays the same;*
- 3. Add a fifth bullet: the City of Hayward Fire Department will continue to exercise its existing authorities under the RCEC Conditions of Certification, including, but not limited to, the Fire Department's roles under Conditions HAZ-1, HAZ-2, HAZ-*

7, WASTE-4, WASTE-8, WASTE-12, WORKER SAFETY-2, and WORKER SAFETY-3;

4. *Remaining bullet stays the same;*
5. *Under Conclusion and Order, strike everything and add: the CEC hereby approves the petition for modifications allowing for the facility to operate in simple cycle mode as set forth in staff analysis and adopts the draft order, with the following modifications:*
 - a. *At least 30 days after approval of the Petition of the Temporary Safety Modifications, the Project Owner shall meet with California Energy Commission Staff and Hayward City Fire Department to discuss any needed modifications of their standard operating procedures for first responders to implement when responding to incidents on site, including establishing a process for reimbursement of reasonable expenses.*

Commissioner Monahan proposed Chief Counsel to change the language in the second revised order from “at least 30 days” to “within 30 days.”

Commissioner Gunda moved to approve Item 3 and proposed to move the modified order as read by Chief Counsel and to add the motion to have staff and Fire Chief:

1. *Discuss the frequency and cadence of business meeting appearances and have business meeting updates on the progress and our concerns in the public setting;*
2. *Recommend that at least one Commissioner visits the site prior to its operations.*

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

4. Appliance Efficiency Regulations for Portable Electric Spas (20-AAER-04).

Consideration and possible adoption of a resolution that would amend Appliance Efficiency Regulations (Title 20, sections 1602-1607) to update the test procedure reference and labeling requirements for portable electric spas, and adopting staff's determination that this action is exempt from CEQA. Contact: Jessica Lopez (Staff Presentation: 5 minutes)

During the vote, Chair Hochschild announced that Commissioner Gunda left the business meeting to attend another meeting.

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

5. Blueprints for Medium and Heavy-Duty Zero-Emission Vehicle Infrastructure – GFO-20-601.

This solicitation sought proposals for planning blueprints to identify actions and milestones needed for implementation of medium- and heavy-duty (MD/HD) zero-emission vehicles (ZEVs) and the related electric charging or hydrogen refueling

infrastructure. (Clean Transportation Program funding) Contact: Kathryn Reid (Staff Presentation: 5 minutes)

- a. East Bay Community Energy. Proposed resolution approving Agreement ARV-21-003 with East Bay Community Energy for a \$200,000 grant to develop a planning blueprint that will identify the actions and milestones needed to accelerate the adoption of zero-emission Class 3 - 8 trucks for goods movement in Alameda and San Joaquin Counties, and adopting staff's determination that this action is exempt from CEQA.
- b. Center for Transportation and the Environment, Inc. Proposed resolution approving Agreement ARV-21-005 with the Center for Transportation and the Environment, Inc. for a \$199,903 grant to develop a planning blueprint that will identify the actions needed to accelerate the electrification of school bus fleets in California including evaluating approaches to achieve the lowest total cost to install and utilize the necessary electric charging infrastructure, and adopting staff's determination that this action is exempt from CEQA.
- c. Ontario International Airport Authority. Proposed resolution approving Agreement ARV-21-006 with Ontario International Airport Authority for a \$200,000 grant to develop a blueprint for replacing approximately 300 MD/HD ground support vehicles operating at Ontario International Airport (ONT) with ZEVs and related infrastructure, and adopting staff's determination that this action is exempt from CEQA.
- d. Los Angeles Cleantech Incubator. Proposed resolution approving Agreement ARV-21-008 with Los Angeles Cleantech Incubator for a \$199,892 grant to create a planning blueprint for the deployment of infrastructure that will support the electrification of HD battery electric trucks to provide freight movement along Interstate 710 using a framework that can be applied to other freight corridors, and adopting staff's determination that this action is exempt from CEQA.
- e. STC Traffic, Inc. Proposed resolution approving Agreement ARV-21-010 with STC Traffic, Inc. for a \$200,000 grant to develop a planning blueprint that will provide cost-effective zero-emission charging for all members of the freight and goods movement ecosystem, and adopting staff's determination that this action is exempt from CEQA.
- f. United Natural Food, Inc. Proposed resolution approving Agreement ARV-21-011 with United Natural Food, Inc. for a \$200,000 grant to develop a planning blueprint to accelerate the deployment of ZEVs and related infrastructure to decarbonize the company's logistics chain, advance science-based sustainability targets, and to promote technological replicability, and adopting staff's determination that this action is exempt from CEQA.
- g. Kern Council of Governments. Proposed resolution approving Agreement ARV-21-012 with Kern Council of Governments for a \$199,929 grant to develop a

blueprint for MD/HD zero emission truck infrastructure that will identify major gaps in infrastructure for zero emission trucks and buses, community needs, available technology solutions, and ultimately a set of high-impact “shovel-ready” infrastructure projects necessary for progress, and adopting staff’s determination that this action is exempt from CEQA.

- h. San Francisco Department of the Environment. Proposed resolution approving Agreement ARV-21-013 with San Francisco Department of the Environment for a \$199,885 grant to develop a planning blueprint to create a charging infrastructure network to serve all MD/HD ZEV fleets, particularly those with fewer than 50 vehicles such as the City of San Francisco’s own fleet, in addition to other local commercial fleets, and adopting staff’s determination that this action is exempt from CEQA.
- i. Grossmont Union High School District. Proposed resolution approving Agreement ARV-21-016 with Grossmont Union High School District for a \$199,908 grant to develop a planning blueprint that will identify the actions and milestones needed to accelerate the transition of the school district's 67 diesel-fueled school bus fleet to all battery electric, and install the related electric charging infrastructure, and adopting staff’s determination that this action is exempt from CEQA.

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

6. BESTFIT Innovative Charging Solutions – GFO-20-605.

This solicitation sought proposals to fund projects to demonstrate innovative electric vehicle (EV) charging solutions for light-, MD, and HD vehicles and work to accelerate the successful commercial deployment of these solutions. (Clean Transportation Program funding) Contact: Matt Alexander (Staff Presentation: 5 minutes)

- a. HummingbirdEV. Proposed resolution approving Agreement ARV-21-001 with HummingbirdEV for a \$998,287 agreement to develop and deploy a seamless and streamlined vehicle-to-vehicle mobile charging solution, and adopting staff’s determination that this action is exempt from CEQA.
- b. EVmatch, Inc. Proposed resolution approving Agreement ARV-21-002 with EVmatch, Inc. for a \$728,250 grant to install 120 new shared, reservable EV charging stations at multiunit dwellings (MUDs) in Santa Clara, Los Angeles, and San Diego Counties, and adopting staff’s determination that this action is exempt from CEQA. The information from the site identification, installation, and use phases of the project across the three geographies will provide insight into characteristics that drive the greatest utilization of EV chargers in MUD settings.
- c. FLO Services USA, Inc., which will do business in California as FLO Charging Solutions USA Inc. Proposed resolution approving Agreement ARV-20-004 with

FLO Services USA, Inc. for a \$750,000 grant to install EV chargers at seven curbside locations using existing electrical infrastructure to lower the cost and streamline the deployment process, and adopting staff's determination that this action is exempt from CEQA.

- d. PowerFlex Systems, Inc. Proposed resolution approving Agreement ARV-21-009 with PowerFlex Systems, Inc. for a \$699,736 grant to install EV charging infrastructure that minimizes impacts to the grid through power management and battery storage, and adopting staff's determination that this action is exempt from CEQA.
- e. Rhombus Energy Solutions, Inc. Proposed resolution approving Agreement ARV-21-015 with Rhombus Energy Solutions, Inc. for a \$998,320 grant to develop and demonstrate a mobile fast-charging solution suited for workplace charging, public charging, and rapidly dispatchable charging services in emergency events for light-duty EVs, and adopting staff's determination that this action is exempt from CEQA.

Commissioner Monahan moved to approve Item 6. Commissioner Douglas seconded. The vote was (4-0).

7. Zero-Emission Drayage Truck and Infrastructure Pilot Project – GFO-20-606.

This solicitation sought proposals to fund large-scale deployments of on-road, zero-emission Class 8 drayage and regional haul trucks as well as the necessary ZEV fueling infrastructure needed for service operation. (Clean Transportation Program funding) Contact: Marc Perry (Staff Presentation: 5 minutes)

- a. South Coast Air Quality Management District. Proposed resolution approving Agreement ARV-21-014 with South Coast Air Quality Management District for a \$10,964,955 grant to purchase and install 50 direct current fast chargers (DCFC), solar power generation equipment, and distributed energy resources equipment, and to conduct workforce training and development and community outreach, and adopting staff's determination that this action is exempt from CEQA. The proposed charging, solar generation, and distributed energy resources equipment will be capable of charging and supporting the pilot of 100 on-road, Class 8 battery electric trucks that are being funded by the California Air Resources Board (CARB).
- b. Center for Transportation and the Environment, Inc. Proposed resolution adopting CEQA findings for the Center for Transportation and the Environment's NorCAL Drayage hydrogen refueling station project and the grant agreement for project implementation.
 - 1. CEQA Findings. Proposed resolution finding that based on (a) East Bay Municipal Utility District's (EBMUD) 2011 Environmental Impact Report (EIR) for the Main Wastewater Treatment Plant Land Use Master Plan (State Clearinghouse #2009112073); (b) EBMUD's May 2021 EIR Addendum (which

focuses on the hydrogen refueling station) to the 2011 EIR; and (c) the Center for Transportation and the Environment's representations, the proposed project presents no new significant or substantially more severe environmental impacts beyond those already considered, and adopting staff's determination that a minor upgrade to an existing truck maintenance facility is exempt from CEQA.

2. Proposed resolution approving Agreement ARV-21-017 with the Center for Transportation and the Environment, Inc. for a \$9,185,045 grant to construct and operate a hydrogen refueling station and to conduct workforce training and development and community outreach. The proposed hydrogen refueling station will be capable of supporting 22 fuel-cell electric, HD, Class 8 trucks in commercial operations around the Port of Oakland. The trucks are being funded by CARB.

Commissioner Monahan moved to approve Item 7a. Commissioner McAllister seconded. The vote was (4-0).

On item 7b, Commissioner Monahan recused herself from any discussion, consideration and vote on the proposed CEQA findings and grant award for the Center for Transportation and the Environment's NorCAL Drayage hydrogen refueling station project. The Transportation Sustainability Research Center as part of UC Berkeley's Institute of Transportation Studies is a major subcontractor under the proposed grant. The UC ITS is one of the four branches of the University of California Institute of Transportation Studies, and she currently serves as a member of the Board of Advisors for the UC ITS. In that role, she does not make governance decisions on behalf of the Institute, but they exist to provide guidance and oversight to the UC ITS programs and its four branches. Additionally, she does not receive any compensation in any form, including reimbursements or per diem for expenses. There is no financial interest in which there would be a conflict of interest under the Political Reform Act or Government Code section 1090. However, in an abundance of caution she recused herself in order to avoid any perception of a conflict of interest.

Commissioner Douglas moved to approve Item 7b. Commissioner McAllister seconded. The vote was (3-0).

8. Mobile Renewable Backup Generation – GFO-20-310.

This solicitation sought proposals to fund research that develops and demonstrates technologies to provide mobile renewable backup generation for grid outages, such as Public Safety Power Shutoffs, and other emergency outage events. (EPIC funding) Contact: Quenby Lum (Staff Presentation: 5 minutes)

- a. GRID Alternatives. Proposed resolution approving Agreement EPC-21-001 with GRID Alternatives for a \$1,000,000 grant to deploy fully operable, grid-independent, rapidly deployable, modular scalable generation systems to enable

California's tribal communities to provide critical electric resources when the grid is down, and adopting staff's determination that this action is exempt from CEQA.

- b. One-Cycle Control, Inc. Proposed resolution approving Agreement EPC-21-002 with One-Cycle Control, Inc. for a \$1,971,467 grant to build and demonstrate four 15 kW clean energy mobile backup generators that combine onboard wind and solar generation with battery storage, and adopting staff's determination that this action is exempt from CEQA. The mobile backup generators are designed with silicon-carbide enabled technology allowing for increased efficiency and reliability and can support single-phase alternating current (AC), three-phase AC, and direct current loads.
- c. Electric Power Research Institute, Inc. Proposed resolution approving Agreement EPC-21-003 with Electric Power Research Institute, Inc. for a \$1,999,953 grant to demonstrate four resilience-enhancing mobile renewable backup generator (MORBUG) standby generation systems, and adopting staff's determination that this action is exempt from CEQA. The hybrid battery plus fuel cell MORBUG system acts as a backup energy source during grid outages due to public safety power shutoff events, wildfires, or other natural disaster events. The project will validate the system's ability to increase the resiliency of the electricity system to climate change and extreme weather events while utilizing a renewable fuel supply.
- d. Uprise Energy, LLC. Proposed resolution approving Agreement EPC-21-004 with Uprise Energy, LLC for a \$1,589,012 grant to demonstrate the ability of its 10-kW Mobile Power Station to provide back-up generation during PSPS events, as well as reduce GHG emissions and air pollutants in San Diego County, and adopting staff's determination that this action is exempt from the CEQA.

Commissioner McAllister moved to approve Item 8. Commissioner Douglas seconded. The vote was (4-0).

Chair Hochschild announced he will need to step away to do a press availability with Secretary Crowfoot on the new energy infrastructure office and proposed Commissioner Douglas to lead the business meeting.

9. Local Building Energy Efficiency Standards Application (19-BSTD-06).

Consideration and possible adoption of a resolution of an application submitted by a local jurisdiction for an ordinance that contains building energy efficiency standards exceeding the energy efficiency requirements of the 2019 Building Energy Efficiency Standards (Title 24, Part 6). Contact: Danuta Drozdowicz (Staff Presentation: 5 minutes)

- a. City of Daly City. New ordinance that requires solar photovoltaic systems on all new high-rise residential and nonresidential buildings, covering 15 percent of the roof area, with exceptions allowed for shading or overgeneration, and that all new construction be all electric, with some exceptions allowed.

Commissioner McAllister moved to approve Item 9. Commissioner Monahan seconded. The vote was (3-0).

10. Minutes.

Possible approval of the June 9, and June 25, 2021 business meeting minutes.

Commissioner Monahan moved to approve Item 10. Commissioner McAllister seconded. The vote was (3-0).

11. Lead Commissioner or Presiding Member Reports.

The Commissioners reported on their recent activities.

12. Executive Director's Report.

The Executive Director had nothing to report.

13. Public Advisor's Report.

The Public Advisor gave a report.

14. Public Comment.

None.

15. 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, Case 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.

Appearances:

Claire Dugan, Self

Jessica Tovar, Self

Andrew Wilson, California Pilots Association

Suzanne Luther, Self

Claire Warshaw, Self

Walt Fujii, Self

Lani Llamido, Self

Jessie Denver, East Bay Community Energy

Jack Symington, Los Angeles Cleantech Incubator

Nicole Walker, Ontario International Airport Authority

Byron Washom, UC San Diego

Heather Hochrein, EVmatch

Cory Bullis, FLO Services USA, Inc.

Ed Munar, Rhombus Energy Solutions

Rakesh Koneru, HummingbirdEV (written statement)

Chris Peeples, Self

Jaimie Leving, Center for Transportation and the Environment

There being no further business the meeting was adjourned.

Respectfully submitted,

LIZA LOPEZ

Secretariat