

State of California
California Energy Commission
Minutes of the December 8, 2021, Energy Commission Business Meeting

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

Present:

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

Patricia Monahan, Commissioner
J. Andrew McAllister, Commissioner

The California Energy Commission's (CEC) December 8, 2021 Business Meeting will be held remotely, consistent with Assembly Bill 361 (Rivas, Chapter 165, Statutes of 2021) to improve and enhance public access to state meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options. The public can participate in the business meeting consistent with the direction provided below.

Please note that the CEC aims to begin promptly at the start time and the end time is an estimate based on the agenda proposed. The business meeting may end sooner or later than the time indicated depending on various factors.

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. Guidelines for California's Solar Electric Incentive Programs (Senate Bill 1), Seventh Edition. Proposed resolution to revise the Senate Bill 1 Guidelines. Senate Bill 1 (Murray, Statutes of 2006) established the framework for the California Solar Initiative, which directs the CEC to develop eligibility criteria, conditions for incentives, and rating standards that must be met to qualify for ratepayer-funded incentives. The proposed resolution amends the Senate Bill 1 Guidelines by changing the start date for when the CEC will only accept a safety certification issued for photovoltaic modules by a Nationally Recognized Testing Laboratory (NRTL) with UL 61730 in its scope of recognition. Staff proposes to change the start date from January 1, 2022, to a deadline of two years after the

Occupational Safety & Health Administration determines that UL 61730 is an appropriate test standard for the NRTL program. Contact: Edgar Rodriguez

- b. Prospect Silicon Valley. Proposed resolution approving Agreement ZVI-21-009 with Prospect Silicon Valley for a \$190,058 grant to develop a planning blueprint document that will outline the transition of Berkeley Unified School District's diesel school bus fleet to battery electric school buses while mitigating the operational challenges and risks of deploying new technologies into existing operations, and adopting staff's determination that this action is exempt from CEQA. (General Fund Funding) Contact: Kate Reid
- c. Prospect Silicon Valley. Proposed resolution approving Agreement ZVI-21-010 with Prospect Silicon Valley for a \$190,048 grant to develop a planning blueprint document that will outline the transition of Twin Rivers Unified School District's diesel school bus fleet to battery electric school buses while mitigating the operational challenges and risks of deploying new technologies into existing operations, and adopting staff's determination that this action is exempt from CEQA. (General Fund Funding) Contact: Kate Reid
- d. Schneider National Carriers, Inc. Proposed resolution approving Agreement ZVI-21-011 with Schneider National Carriers, Inc. for a \$200,000 grant to prepare a blueprint document and a suite of tools that will facilitate the rapid transition of its facilities and fleets to support the widespread deployment of medium duty/heavy duty zero emission vehicles (ZEV) and distributed energy resource technologies to enable ZEV goods movement operations in California, and adopting staff's determination that this action is exempt from CEQA. (General Fund Funding) Contact: Kate Reid

Vice Chair Gunda moved to approve Item 1. Commissioner Monahan seconded. The vote was (5-0).

2. Small Power Plant Exemption (SPPE) for the Great Oaks South Backup Generating Facility (20-SPPE-01).

Consideration and possible approval of an order adopting the Committee Proposed Decision on the Application for an SPPE for the Great Oaks South Backup Generating Facility. The Committee issued the Proposed Decision on November 24, 2021, recommending that the CEC certify a Final Environmental Impact Report and addendum prepared pursuant to the California Environmental Quality Act (CEQA), adopt a mitigation monitoring or reporting program, and grant an SPPE for the Great Oaks South Backup Generating Facility. The project would include 36 3.25-megawatt (MW) and three 500-kilowatt standby diesel generators to provide an uninterruptable power supply to the Great Oaks South Data Center when electrical power is not provided by the grid. Located at 123, 127, and 131 Great Oaks Boulevard in San Jose, California, the generators would be restricted to generating electricity to meet the maximum electrical demand of the Great Oaks South Data Center of 99 MW and would not be connected to the grid. Contact: Ralph Lee (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 2. Commissioner McAllister seconded. The vote was (5-0). There was no closed session.

3. Order Instituting Rulemaking Proceeding for Amendments to Procedures for Delegating Geothermal Certification Authority and for SPPEs.

Proposed Order Instituting Rulemaking to consider amendments to the CEC's powerplant licensing processes and procedures to 1) simplify the process for the CEC to delegate full authority for the certification of geothermal powerplants within a county which has adopted a geothermal element for its general plan and demonstrates that it has an equivalent certification program (Title 20, California Code of Regulations, sections 1860-1870), and 2) streamline the procedures for exempting thermal powerplants with a generating capacity of up to 100 MW from the CEC's exclusive certification authority (Title 20, California Code of Regulations, sections 1934-1948 and Appendix F). The proposed amendments would streamline the administrative procedures for these decisions to accelerate the permitting of energy projects that serve the Governor's state energy procurement directives, while ensuring that all environmental, public health, safety, and reliability requirements of the Warren-Alquist Act are met. Contact: Jared Babula (Staff Presentation: 5 minutes)

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

4. Touchstone Benchmarking, LLC.

Proposed resolution approving a purchase order totaling \$1,135,150 over three fiscal years for the proprietary Touchstone Benchmarking cloud-based Software-as-a-Service (SaaS) solution. This agreement will support the CEC's statewide building energy benchmarking program by providing benchmarking software and support services to increase benchmarking compliance through creating and maintaining a comprehensive list of covered buildings and providing a platform to conduct building owner outreach, building tracking, and public disclosure of energy use data. (COIA Funding) Contact: Christine Collopy (Staff Presentation: 5 minutes)

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

5. Center for Transportation and the Environment, Inc.

Proposed resolution approving agreement EPC-21-011 with Center for Transportation and the Environment, Inc. for a \$3,000,000 grant to design, build, test, and demonstrate two mobile, zero-emission, hydrogen fuel cell backup generation vehicles (H2BUG), and adopting staff's determination that this action is exempt from CEQA. The goal of the H2BUG project is to be able to drive 90 miles each way to emergency and disaster relief locations and provide at least 35 kW of continuous power for a minimum of 48 hours. The H2BUG vehicles will be designed based on an emergency disaster relief vehicle that will be developed under the U.S.

Department of Energy and U.S. Department of Defense H2Rescue program. (EPIC Funding) Contact: Quenby Lum (Staff Presentation: 5 minutes)

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

6. Rail Propulsion Systems LLC.

Proposed resolution approving Agreement ZVI-21-008 with Rail Propulsion Systems LLC for a \$270,000 grant to demonstrate a wireless power transfer locomotive charging station to allow a battery-electric locomotive to be charged wirelessly, by stopping the locomotive at any position along a short length of track for static charging at the rail yard, and adopting staff's determination that this action is exempt from CEQA. (General Fund Funding) Contact: Alex Wan (Staff Presentation: 5 minutes)

Commissioner Monahan moved to approve Item 6. Commissioner McAllister seconded. The vote was (5-0).

7. Second Block Grant for Light-Duty Electric Vehicle (EV) Charger Incentive Projects GFO-20-607.

This solicitation sought proposals from block grant implementers to design and implement up to \$500 million in grant funds for various light-duty EV charger incentive projects throughout California. (Clean Transportation Program Funding and General Fund Funding) Contact: Phil Cazel (Staff Presentation: 5 minutes)

- a. CALSTART, Inc. Proposed resolution approving Agreement ZVI-21-006 with CALSTART, Inc. for an up to \$250,000,000 block grant to design, implement, and fund, with CEC oversight, various light-duty EV charger incentive projects throughout California, and adopting staff's determination that this action is exempt from CEQA. This agreement provides \$980,231 in grant funds for startup costs. Additional funding, up to the \$250,000,000 total, will require approval from the Executive Director of the CEC through an amendment. Additional funds may be added up to \$250,000,000 total to design and implement incentive projects, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations. (Clean Transportation Program Funding and General Fund Funding)
- b. Center for Sustainable Energy. Proposed resolution approving Agreement ZVI-21-007 with Center for Sustainable Energy, for an up to \$250,000,000 block grant to design, implement, and fund, with CEC oversight, various light-duty EV charger incentive projects throughout California, and adopting staff's determination that this action is exempt from CEQA. This agreement provides \$1,000,000 in grant funds for startup costs. Additional funding, up to the \$250,000,000 total, will require approval from the Executive Director of the CEC through an amendment. Additional funds may be added up to \$250,000,000 total to design and implement incentive projects, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations. (Clean Transportation Program Funding and General Fund Funding)

Commissioner Monahan moved to approve Item 7. Vice Chair Gunda seconded. The vote was (5-0).

8. CALSTART, Inc.

Proposed resolution approving Amendment 1 to Agreement ARV-20-006 with CALSTART, Inc. to: 1) augment the agreement's spending authority by \$225,953,982 for a total grant spending authority amount of up to \$275,953,982, which includes the up to \$50,000,000 authority previously approved at the March 17, 2021 CEC Business Meeting; 2) modify the Special Terms and Conditions to update the grant spending authority amount; 3) revise the Scope of Work to include the updated grant spending authority amount and revised data collection requirements; and 4) adopting staff's determination that this action is exempt from CEQA.

Additional funding, up to the \$275,953,982 total, will require approval from the Executive Director of the CEC through an amendment. (General Fund Funding)

Contact: Matthew Kozuch (Staff Presentation: 5 minutes)

Commissioner Monahan moved to approve Item 8. Vice Chair Gunda seconded. The vote was (5-0).

After Item 8 was voted on, Chair Hochschild announced break for lunch and reconvene at 1:00 p.m.

Chair Hochschild reconvened the meeting at 1:00 p.m.

9. Minutes.

Possible approval of the November 15, 2021 business meeting minutes.

Vice Chair Gunda moved to approve Item 7. Commissioner McAllister seconded. The vote was (5-0).

10. Lead Commissioner or Presiding Member Reports.

The Commissioners reported on their recent activities.

11. Executive Director's Report.

The Executive Director gave a report.

12. Public Advisor's Report.

The Public Advisor gave a report.

13. Public Comment.

None

14. 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. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc* (Sacramento County Superior Court, Case No. 34-2019-00252543-CU-BC-GDS).
 - iii. *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).
- 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 gave a report.

Appearances:

Alycia Gilde, Calstart Inc.

Peter Colwell, Center for Sustainable Energy

Amy Gower, Calstart Inc.

There being no further business the meeting was adjourned.

Respectfully submitted,

LIZA LOPEZ

Secretariat