

Item 6: Emergency Rulemaking Amending the Opt-In Regulations to Add Reimbursement Procedures for Local Agencies

September 11, 2024 Business Meeting



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Overview

- Opt-In Program:
 - Certification of nonfossil-fueled powerplants, energy storage facilities, and related facilities
 - Local agencies must review Opt-In applications
 - Local agencies may seek reimbursement for their review
- Proposed regulations specify reimbursement procedures
- Regulations deemed an emergency by statute



Benefits to Californians

- Benefits include:
 - Efficiency
 - Consistency
 - Addressing climate change and grid reliability



Reimbursement of Local Agencies (§ 1878.1)

- Define costs eligible for reimbursement
- Define costs not eligible for reimbursement
- Procedures for budget approvals
- Procedures for dispute resolution



Clarity & Consistency

Proposed regulations:

- **Clarify** how local agencies may request reimbursement
- **Consistent** with the authorizing statute
- **Consistent** with existing regulations
- **Tailored** for Opt-In Program



Example Clarifications

- Proposed Regulations Clarify That:
- Certain attorneys' fees are not eligible for reimbursement
 - Not all attorneys' fees excluded (e.g., legal fees reasonably related to responding to Commission requests. See 1878.1(a)(1)(B).)
- Executive Director will resolve reimbursement disputes
 - For traditional certifications, Committee resolves them



Public Comment Period

- **Public Comment Period:** August 30, 2024 – September 9, 2024
 - Comments received from one local agency
 - CEC discussed with the local agency
 - No changes to final text of proposed regulations



Timeline

- Next Steps:
 - September 12, 2024: Submit to Office of Administrative Law
 - September 12, 2024 – September 17, 2024: OAL Public Comment Period
 - **September 23, 2024:** Target effective date



Proposed Action

- Find action to be exempt from CEQA
- Approve resolution adopting emergency regulations