



**California Energy Commission
May 26, 2026 Business Meeting
Backup Materials for Rulemaking Adopting Amendments to the Definition of
Related Facility and Adding a Definition of Appurtenant Facility**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Resolution, attached below.
2. [Notice of Proposed Action](https://efiling.energy.ca.gov/GetDocument.aspx?tn=269270-1&DocumentContentId=106347), available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269270-1&DocumentContentId=106347>
3. Proposed Express Terms, attached below.
4. [Initial Statement of Reasons](https://efiling.energy.ca.gov/GetDocument.aspx?tn=269270-3&DocumentContentId=106349), available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269270-3&DocumentContentId=106349>
5. [CEQA Documents](https://efiling.energy.ca.gov/GetDocument.aspx?tn=269943&DocumentContentId=107096), available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269943&DocumentContentId=107096>
6. [Economic and Fiscal Statement](https://efiling.energy.ca.gov/GetDocument.aspx?tn=269270-4&DocumentContentId=106350) available at: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=269270-4&DocumentContentId=106350>

For the complete rulemaking record, please visit the [California Energy Commission : Docket Log](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01>.

To stay informed about this rulemaking and receive documents as they are filed, please subscribe to the proceeding Topic, which can be accessed at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

CALIFORNIA ENERGY COMMISSION

**PROPOSED RESOLUTION: RULEMAKING IMPLEMENTING AMENDMENTS TO
THE DEFINITION OF RELATED FACILITY AND ADDING A DEFINITION OF
APPURTENANT FACILITY**

RESOLUTION NO: 26-0526-04

WHEREAS, that the State Energy Resources Conservation and Development Commission (CEC) adopts proposed regulations amending the definition of related facility and adding a definition of appurtenant facility, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the Economic Impact Statement (Form 399); and

WHEREAS, on October 9, 2025, the CEC staff for the rulemaking held a public workshop, to receive oral and written comments on the proposed regulations; and

WHEREAS, on March 20, 2026, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency, and distributed to the CEC's Rulemaking and General Siting email subscription lists; and

WHEREAS, on May 5, 2026, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on May 15, 2026, the CEC staff posted a Notice of Adoption Hearing, informing interested parties and the public that the CEC would consider and possibly adopt the proposed regulations at the May 26, 2026, Business Meeting of the CEC; and

WHEREAS, each of the above-referenced documents and notices, as well as a CEQA memorandum, and public comments were provided to every person on the CEC's Rulemaking and Siting email subscription lists and to every person who had requested notice of such matters, and was posted to the proceeding's docket, 25-RULE-01; and

WHEREAS, on May 26, 2026, the CEC considered adoption of the proposed regulations at its Business Meeting.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to CEQA:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed regulations are exempt from CEQA requirements under section 15060(c) of title 14 of the California Code of Regulations because the regulations will not result in a physical change to the environment and under

the common sense exemption pursuant to section 15061 of title 14 of the California Code of Regulations; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulation will not impose direct cost or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will not result in costs or savings in federal funding to the State of California; and
- The proposed regulations will not result in nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will not have an impact on housing costs; and
- The proposed regulations will not result in cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, or worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purpose of the statutes for which it is proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business, and no alternatives were proposed that would lessen any adverse economic impact on small business; and

- It is necessary for the health, safety, and welfare of the people of the state that these regulations apply to business; and
- None of the comments received during the comment period or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on March 20, 2026.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under Cal. Code Regs., tit. 14, § 15060(c)) and the commonsense exemption because it can be seen with certainty that there is no possibility that the proposed regulations will have a significant effect on the environment; and

FURTHER BE IT RESOLVED, that, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the proposed regulations, as set forth in the express terms that were published on March 20, 2026 and incorporating any changes presented and adopted today.

The CEC takes this action under the authority of Public Resources Code Sections 25210, 25213, and 25218(e), which authorizes the CEC to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code Chapters 6 and 6.2; and

FURTHER BE IT RESOLVED that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 and online in [Docket Number 25-RULE-01](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=25-RULE-01>; and

FURTHER BE IT RESOLVED, that, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and filing a notice of exemption with the Office of Land Use and Climate Innovation. This delegation explicitly includes authority for the Executive Director or Chief Deputy Director to Sign the Form 400 on behalf of the CEC.

APPROVED AND ADOPTED this 26th day of May 2026, by the following vote:

AYE:

NAY:

ABSENT:

ABSTAIN:

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly approved and adopted by the affirmative vote of the CEC at a meeting held on May 26, 2026.

Kim Todd
Secretariat

EXPRESS TERMS

California Code of Regulations
Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 2. Rules of Practice and Procedure
Article 2. General Provisions Applicable to All Commission Proceedings

Proposed new language appears as underline (example) and proposed deletions appear as ~~example~~. Existing language appears as plain text. Three dots or “...” represents the substance of the regulations that exists between the proposed language and current language.

§1201. Definitions

...[Skipping subdivisions (a) through (b)]

(c)(1) “Appurtenant facility” means any equipment, structure, or accessory that is:

(A) on the same site as, or physically connected to, a related facility, and

(B) operated in coordination with or necessary for the operation of the related facility, including but not limited to, transmission and fuel lines up to the first point of interconnection, water intake and discharge structures and equipment, access roads, storage sites, switchyards, and waste disposal sites.

(2) For the purposes of the commission’s certification jurisdiction under Chapters 6 and 6.2, Division 15, of the Public Resources Code:

(A) exploratory, development, and production wells, resource conveyance lines, and other related equipment used in conjunction with a geothermal exploratory project or geothermal field development project, and the thermal host of a cogeneration facility, are not related facilities, nor facilities appurtenant to related facilities, and

(B) a data center served by a thermal powerplant or a facility as the term is defined in Public Resources Code section 25545(b), is not an appurtenant facility. Except, any equipment conveying electricity to the data center would be appurtenant if it meets the definition provided in this subsection (c).

...[Amending the subdivision sequencing as follows to account for addition of (c)“Appurtenant facility” above: (~~ed~~), (~~de~~), (~~ef~~), (~~fg~~), (~~gh~~), (~~hi~~), (~~ij~~), (~~jk~~), (~~kl~~), (~~lm~~), (~~mn~~), (~~no~~), (~~op~~), (~~pq~~)]

(qr) “Related facility” means a thermal powerplant ~~or~~; electric transmission line subject to an application submitted under the commission’s exclusive certification authority under Chapter 6 of Division 15 of the Public Resources Code, or a facility as that term is

~~defined in Public Resources Code section 25545(b) for applications submitted under the commission's authority under Chapter 6.2. any equipment, structure, or accessory dedicated to and essential to the operation of the thermal powerplant or electric transmission line. These facilities include, but are not limited to, transmission and fuel lines up to the first point of interconnection, water intake and discharge structures and equipment, access roads, storage sites, switchyards, and waste disposal sites. Exploratory, development, and production wells, resource conveyance lines, and other related equipment used in conjunction with a geothermal exploratory project or geothermal field development project, and, absent unusual and compelling circumstances, the thermal host of a cogeneration facility, are not related facilities~~

...[Amending the subdivision sequencing as follows to account for addition of (c)"Appurtenant facility" above: (~~st~~), (~~tu~~), (~~uv~~), (~~vw~~), (~~wx~~)]

NOTE: Authority cited: Sections 25213, 25218(e) and 25541.5, Public Resources Code. Reference: Sections 21061.1, 25120, 25214, 25502, 25519, 25540, 25540.1, 25540.2 and, 25541.5, 25545, and 25545.1, Public Resources Code.