



**SEPTEMBER 9, 2020**

**10:00 a.m.**

(Remote Access Only)

The California Energy Commission's (CEC) September 9, 2020 Business Meeting will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. The public is able to participate and observe the meeting consistent with the direction in these Executive Orders. Instructions for remote participation can be found in the notice for this meeting and as set forth below in this agenda.

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 per person as to each item listed on the agenda that will be voted on today. Any person wishing to comment on information items or reports (non-voting items) shall reserve their comment for the general public comment portion of the meeting agenda and shall have three minutes total to address all remaining comments.

**THE COMMISSION 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. **NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS (NASEO).** Proposed resolution approving Agreement 200-20-003 with the National Association of State Energy Officials (NASEO) for a \$23,059 contract to formalize the CEC's membership. This one-year membership allows CEC staff to connect with key policy and decision makers, officials from other state and territorial energy offices, and affiliates from the private and public sectors. The membership also provides a forum for exchanging information, ideas, and resources, and to learn about new funding and partnership opportunities. (ERPA funding) Contact: Brad Worster.
- b. **HATHITRUST DIGITAL LIBRARY.** Proposed resolution authorizing the Executive Director to sign a Creative Commons license form with the Creative Commons Attribution NonCommercial NoDerivatives 4.0 (CC BY-NC-ND 4.0) license option, granting permission to the HathiTrust Digital Library to disseminate digital copies of over 2,800 CEC publications via their website

(www.hathitrust.org). The HathiTrust Digital Library is a partnership of academic and research institutions, offering a collection of millions of titles digitized from libraries from around the world. HathiTrust will not allow the public to view or download digital copies of CEC publications in their collection without permission from the CEC. Contact: Nicole Waugh.

- c. **SULPHUR SPRINGS UNION ELEMENTARY SCHOOL DISTRICT.** Proposed resolution approving Amendment 2 to Agreement ARV-19-024 with Sulphur Springs Union Elementary School District to increase the grant amount by \$1,054,787 to increase the number of all electric buses utilized by the district and expand charging infrastructure from six to nine stations, and adopting staff's determination that the installation of the charging infrastructure is exempt from California Environmental Quality Act (CEQA). (Clean Energy Job Creation Fund and Clean Transportation Program funding) Contact: Tomas Ortiz.
- d. **DOWNEY UNIFIED SCHOOL DISTRICT.** Proposed resolution approving Agreement ARV-20-001 with Downey Unified School District for a \$662,778 grant to replace two diesel powered school buses with two clean, all-electric school buses and install supporting charging infrastructure; and adopting staff's determination that the installation of the charging infrastructure is exempt from CEQA. (Clean Energy Job Creation Fund and Clean Transportation Program funding.) Contact: Tomas Ortiz.
- e. **CALSTART, INC.** Proposed resolution approving Amendment 2 to Agreement ARV-15-005 with CALSTART, Inc. to: 1) extend the term of the agreement from 03/31/2021 to 06/30/2023; 2) update the Scope of Work to change the vehicle configuration type from four 32-foot transit buses to four 22-foot para-transit shuttle buses, replace the current demonstration partners, California State University, Los Angeles and SunLine Transit, with a demonstration partner that is to be determined, and reduce the number of outreach events from three to one due to the reduced funding and loss of demonstration partner CSULA; 3) reduce the overall CEC reimbursable budget amount by \$294,000 and the match share amount by \$119,046; and 4) adopt staff's determination that the action is exempt from CEQA. (Clean Transportation Program funding.) Contact: Bill Kinney.

## **2. Discussion of Energy Commission Progress on Joint Agency Report, Charting a Path to a 100 Percent Clean Electricity Future, Senate Bill 100 (2018).**

Staff presentation on the clean energy goals established by Senate Bill 100 and a discussion of its requirement to issue a joint agency report due to the Legislature by January 1, 2021. Staff will also provide an update of the report development process, including the planned scope and public engagement process. Contact: Terra Weeks. (Staff presentation: 5 minutes)

## **3. ZEV and EV Charger Dashboard.**

Staff presentation on the new Tableau dashboards showing zero emission vehicle (ZEV) populations and sales and electric vehicle charger counts in the state.

These dashboards were developed with input from the California Air Resources Board (CARB) and Department of Motor Vehicles. The dashboards are posted on a new CEC website and available to the public. Contact: Siva Gunda. (Staff presentation: 5 minutes)

**4. ~~Modification of Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Publicly Owned Electric Utilities (16-RPS-03).~~**

~~Proposed resolution to adopt a Negative Declaration under CEQA, and also to adopt modifications to the existing regulations establishing enforcement rules and procedures for the Renewables Portfolio Standard for local publicly owned electric utilities, in Title 20, California Code of Regulations (CCR), sections 3201, 3202, 3204 – 3208, and 1240, and address provisions required by Senate Bill (SB) 350 (Stats. 2015, ch. 547), SB 1393 (Stats. 2016, ch. 677), SB 100 (Stats. 2018, ch. 312), and SB 1110 (Stats. 2018, ch. 605). Contact: Katharine Larson. (Staff presentation: 15 minutes)~~

- ~~a. **NEGATIVE DECLARATION.** Consideration for possible adoption of the Negative Declaration for Modification of Regulations Specifying Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities. This proposed adoption comes after a 30-day public comment period necessary to comply with CEQA guidelines.~~
- ~~b. **ENFORCEMENT PROCEDURES FOR THE RENEWABLES PORTFOLIO STANDARD FOR LOCAL PUBLICLY OWNED ELECTRIC UTILITIES.** Proposed consideration to adopt amendments to Title 20, CCR, sections 3201, 3202, 3204 – 3208, and 1240 implementing, interpreting, and making specific several provisions of Public Utilities Code (PUC) sections 399.13, 399.15, 399.16, 399.18, 399.30, and 399.33. The rulemaking also updates other aspects of the program to facilitate implementation and improve clarity. The proposed action is taken under the authority of sections 25213 and 25218(e) of the Public Resources Code and section 399.30 of the PUC. This proposed action comes after one 45-day and two subsequent 15-day public comment periods.~~

**5. Local Ordinance Applications (19-BSTD-06).**

Possible approval of two resolutions for two separate applications submitted by local jurisdictions for energy ordinances that exceed the energy efficiency requirements of the 2019 Energy Code (Title 24, Part 6). Contact: Danuta Drozdowicz. (Staff presentation: 5 minutes)

- a. **TOWN OF SAN ANSELMO.** New ordinance requiring that newly constructed buildings are all-electric or, if mixed fuel, meet higher efficiency standards than the 2019 Energy Code. Prewiring for future electric equipment and appliances is required where gas fueled equipment and appliances are installed.
- b. **COUNTY OF SAN MATEO.** New ordinance requiring that newly constructed buildings are all-electric with exceptions allowed for laboratories, commercial

kitchens, and publicly-owned emergency shelters and buildings for which there is no all-electric compliance pathway. Prewiring for future electric equipment and appliances is required where gas-fueled equipment and appliances are installed. In addition, photovoltaic systems are required on all buildings not subject to the provisions of the energy code with exceptions allowed for buildings with vegetative roofs or with limited solar access.

**6. Charge Bliss. Demonstrating Long Duration and Title 24-Compatible Energy Storage Technologies – GFO-19-306.**

Proposed resolution approving Agreement ~~EPC-19-057~~ EPC-20-002 with Charge Bliss, Inc. for a \$8,351,000 grant to demonstrate an 8 MWh long-term flow battery plus 2.2 MW solar photovoltaic array microgrid for the Kaiser Permanente Ontario Medical Center in a disadvantaged and low-income community, and adopting staff's determination that this action is exempt from CEQA. The microgrid will provide the ability to meet 90 percent of the medical center's essential power needs for over 10 hours and demonstrate support of essential facilities within the medical center. (EPIC funding) Contact: Joseph Sit. (Staff presentation: 5 minutes)

**7. Minutes.**

Possible approval of the August 12, 2020 business meeting minutes.

**8. Lead Commissioner or Presiding Member Reports.**

A lead commissioner on a policy matter may report to the CEC on the matter and discussion may follow. A presiding member on a delegated committee may report to the CEC on the matter and discussion may follow.

**9. Executive Director's Report.**

**10. Public Advisor's Report.**

**11. Public Comment.**

Individuals may speak up to three minutes on any matter concerning the CEC, with the exception of items appearing on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

**12. 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).

- iii. *State Energy Resources Conservation and Development Commission v. Electricore, Inc. and ZeroTruck* (Sacramento County Superior Court, Case No. 34-2016-00204586).
- iv. *Natural Resources Defense Council, Inc., et al. v. United States Department of Energy* (Federal District Court, Northern District of California, Case No. 17-cv-03404).
- v. *City of Los Angeles, acting by and through, its Department of Water and Power v. California Energy Resources Conservation and Development Commission* (Los Angeles Superior Court, Case No. BS171477).
- vi. *In re: PG&E Corporation and In re: Pacific Gas and Electric Company* (United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088).
- vii. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc* (Sacramento County Superior Court No. 34-2019-00252543).
- viii. *Olson-Ecologic Testing Laboratories, LLC v. CEC.* (Orange County Superior Court. Case No. 30-2019-01115513).
- ix. *Interlink Products International, Inc. v. Wade Crowfoot, Drew Bohan, Melissa Rae King* (United States District Court for the District of New Jersey No: 2:20-cv-7654).
- x. *Interlink International Products, Inc. v. Becerra, et al., (United States District Court for the District of New Jersey No. 2:20-cv-10566-ES-MAH)*
- xi. *Southern California Gas Company v. California State Energy Resources Conservation and Development Commission* (Orange County Superior Court Case No: 30-2020-01152336-CU-WM-CXC).
- xii. *State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless, et al.,* (Sacramento Superior Court, Case No. 34-2012-00127517).

- b. Pursuant to Government Code section 11126(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 CEC will consider the following agenda item no earlier than 1:30 p.m.:

**13. Small Power Plant Exemption for the Sequoia Backup Generating Facility (19-SPPE-03).**

Consideration and possible approval of an order adopting the Committee 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 Proposed Decision on August 21, 2020, which includes a Mitigated Negative Declaration prepared pursuant to CEQA. The project would include 54 2.25-megawatt (MW) standby diesel generators to provide an uninterrupted power supply to the Sequoia Data Center when electrical power is not provided by the grid. Located at 2600 De La Cruz Boulevard in the City of 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)).

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**Remote Attendance.** To participate by telephone only, call 1-888-823-5065 on business meeting days after 9:50 a.m. (Pacific Time). The passcode is "business meeting." If you plan to make public comment about a specific item, please provide your name, affiliation, and the item number to the operator.

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### **Public Advisor and Other Commission Contacts**

**Public participation.** To make public comment, call into the meeting using a phone according to the instructions above or [email concise comments](#) with your main point to [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov) to have the CEC's public advisor verbally relate the comments. The Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this business meeting or to request language services or other reasonable accommodations, please contact [Public Advisor Noemí O. Gallardo](#), at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov) or by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

**Media.** Inquiries may be directed to Media and Public Communications at 916-654-4989.

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**Adjournment of Hearings and Meetings.** Depending on time and the orderly management of proceedings, the CEC may adjourn (recess or postpone) any noticed

hearing or meeting to be continued the next day, another specific date or time, or the next business meeting. Any such adjournment will be noticed at the time the order of adjournment is made. (Government Code sections 11128.5, 11129)