



NOVEMBER 16, 2020

1 p.m.

(Remote Access Only)

The California Energy Commission's (CEC) November 16, 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 may 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 CEC WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING:

1. 2019 CEC Diversity Commitment Update.

Staff presentation outlining the CEC's efforts to advance its Diversity Commitment objectives to increase participation of and benefits to disadvantaged communities and diverse business enterprises through its funding programs, programs, and policy. Contact: Noemí Gallardo. (Staff presentation: 15 minutes)

2. Geysers Power Company, LLC Settlement Agreement.

Proposed order approving a settlement agreement with Geysers Power Company, LLC (GPC) to resolve alleged violations of fire protection systems maintenance requirements applicable to the Commission Decisions certifying six GPC Geothermal Facilities: Sonoma (80-AFC-1C), Quicksilver (79-AFC-5C), Lake View (79-AFC-1C), Socrates (79-AFC-3C), Calistoga (81-AFC-1C), and Grant (82-AFC-1C). Under the settlement agreement, GPC agrees to the amendment of certain language in the General Conditions and the addition of new Compliance and Fire Protection conditions of certification which will provide additional clarity on reporting requirements and allow for verification of required periodic maintenance. GPC has agreed to pay \$2.1 million to the CEC. In return, the CEC agrees to close the matter without further action or litigation. The approval of the settlement and incorporated

conditions of certification, which primarily cover facility reporting requirements, is exempt from CEQA. Contact: Drew Bohan. (Staff presentation: 15 minutes)

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

Reconsideration of the CEC's adoption of its motion to remand proceedings back to the Committee to consider additional relevant information on air quality and public health impacts. The CEC may (1) affirm the action on the motion to remand, including amendments to the remand or (2) vacate the decision to remand. If the CEC vacates the action on the motion to remand, the CEC may (1) adopt the Committee Proposed Decision, as presented at the September 14, 2020, Business Meeting; (2) adopt the Committee Proposed Decision, including any errata or other modifications that may be proposed; or (3) set a date for a continued hearing on the Committee Proposed Decision; or (4) not adopt the Committee Proposed Decision and deny the small power plant exemption. Contact: Darcie Houck. (No formal staff presentation; parties will be able to present arguments or make comment as to their position on the motion to remand consistent with the direction provided by the Chair.)

- a. Possible closed session deliberation on the above described SPPE. (Government Code Section 11126(c)(3)).

4. Small Power Plant Exemption for the Walsh Backup Generating Facility (19-SPPE-02).

Consideration of and possible action on the petition for reconsideration of the CEC's Final Decision of August 12, 2020. On September 10, 2020, Intervenor Robert Sarvey filed a petition for reconsideration of the CEC's Final Decision to grant a small power plant exemption for the Walsh Backup Generating Facility. If the CEC denies this petition, then the CEC's Final Decision stands. If the CEC grants this petition, the CEC must determine the procedure by which to resolve any matter being reconsidered, including but not limited to, referring the matter back to the Committee or reopening the evidentiary record. Contact: Darcie Houck. (No formal staff presentation; parties will be able to present arguments or make comment as to their position on the petition for reconsideration consistent with the direction provided by the Chair.)

- a. Possible closed session deliberation on the above described SPPE. (Government Code section 11126(c)(3)).

5. Small Power Plant Exemption for the Mission College Backup Generating Facility (19-SPPE-05).

Consideration of and possible action on the petition for reconsideration of the CEC's Final Decision of August 12, 2020. On September 10, 2020, Intervenor Robert Sarvey filed a petition for reconsideration of the CEC's Final Decision to grant a small power plant exemption for the Mission College Backup Generating Facility. If the CEC denies this petition, then the CEC's Final Decision stands. If the CEC grants this petition, the CEC must determine the procedure by which to resolve any

matter being reconsidered, including but not limited to, referring the matter back to the Committee or reopening the evidentiary record. Contact: Darcie Houck. (No formal staff presentation; parties will be able to present arguments or make comment as to their position on the petition for reconsideration consistent with the direction provided by the Chair.)

- a. Possible closed session deliberation on the above described SPPE. (Government Code Section 11126(c)(3)).

6. 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.

7. Executive Director's Report.

8. Public Advisor's Report.

9. 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.

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10. 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. *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).
 - vi. *State Energy Resources Conservation and Development Commission v. HyGen Industries, Inc* (Sacramento County Superior Court, No. 34-2019-00252543).
 - vii. *Olson-Ecologic Testing Laboratories, LLC v. CEC*. (Orange County Superior Court, Case No. 30-2019-01115513).
 - viii. *Interlink Products International, Inc. v. Xavier Becerra, Drew Bohan, Melissa Rae King* (United States District Court for the District of New Jersey, Case No. 2:20-cv-10566)
 - ix. *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).
- 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.

Remote Attendance. To participate by telephone only, you may call the CEC's Verizon or Zoom phone lines. For Verizon, 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 if any, and the item number to the operator. Once connected, press *0 for help or to speak with the operator. The operator will open your line when it is your turn to speak. Please restate and spell your name for the record. The operator will mute your line when you are finished commenting. To avoid audio feedback, mute Zoom or do not join Zoom when calling through Verizon. To connect with Zoom, dial: (669) 900-6833 or (888) 475-4499 (toll free), and enter Webinar ID: 938 6923 0237.

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You may also access Zoom at this [address](https://join.zoom.us) <https://join.zoom.us>. Enter event number 938-6923-0237. The meeting password is mtg@10am. Zoom technical support is available at 1-888-799-9666 ext. 2, or you may contact the [CEC's Public Advisor's Office](#) for help at publicadvisor@energy.ca.gov or 800-822-6228. To comment or ask a question, you must call 1-888-823-5065 as described above.

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 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 interpreting services or other reasonable accommodations, please contact [Public Advisor Noemí O. Gallardo](#) at publicadvisor@energy.ca.gov, or by phone at (916) 654-4489 or toll free at (800) 822-6228. Requests for interpreting 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)