



DECEMBER 22, 2020

1:00 p.m.

(Remote Access Only)

The California Energy Commission's (CEC) December 22, 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. Gabe Herrera.

Proposed resolution recognizing and commending Gabe Herrera for his contributions to the CEC. (Staff Presentation: 5 minutes)

2. Elizabeth Flores.

Proposed resolution recognizing and commending Elizabeth Flores for her contributions to the CEC. (Staff Presentation: 5 minutes)

3. Chris Davis.

Proposed resolution recognizing and commending Chris Davis for his contributions to the CEC. (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 the California Environmental Quality Act (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 adoption of 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 45-day and three subsequent 15-day public comment periods.

5. Energy Conservation Assistance Act-Education Subaccount (ECAA-Ed) Competitive Loan Program, PON-19-101.

Proposed resolutions approving two ECAA-Ed loans to local educational agencies (LEAs) at zero percent interest to finance energy efficiency and renewable energy projects. Program Opportunity Notice 19-101 evaluated applications from LEAs on a competitive basis based on priority criteria: number of students, geographic region, percent of students eligible for free or reduced-price meals, and energy savings. (Clean Energy Job Creation Fund) Contact: Camille Remy-Obad. (Staff presentation: 5 minutes)

- a. **MONSON-SULTANA JOINT UNION ELEMENTARY.** Proposed resolution approving Agreement 001-20-ECG with Monson-Sultana Joint Union Elementary for a \$690,508 loan at zero percent interest to install a 150 kW ground mounted solar PV system, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save 319,216 kWh of electricity annually, resulting in annual energy cost savings of \$61,700.
- b. **GOLDEN PLAINS UNIFIED SCHOOL DISTRICT.** Proposed resolution approving Agreement 002-20-ECG with Golden Plains Unified School District for a \$534,990 loan at zero percent interest to retrofit interior and exterior lights to LEDs at six school sites and the district office, and adopting staff's determination that this action is exempt from CEQA. The proposed project is estimated to save 280,486 kWh of electricity annually, resulting in annual energy cost savings of \$81,341.

6. Minutes.

Possible approval of the December 9, 2020 business meeting minutes.

7. 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.

8. Executive Director's Report.

9. Public Advisor's Report.

10. Public Comment.

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. The Commission notes that any person wishing to comment on information items or reports (non-voting items) shall provide comments here under the public comment portion of the agenda.

11. 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 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.

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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](mailto:publicadvisor@energy.ca.gov) 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 Noemi O. Gallardo](mailto:publicadvisor@energy.ca.gov) at publicadvisor@energy.ca.gov, or by phone at (916) 654-4489 or toll free at (800) 822-6228. Requests for interpreting services and

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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)