

## DOCKETED

<b>Docket Number:</b>	15-OII-01
<b>Project Title:</b>	Siting Compliance Process Review and Improvement Proceeding
<b>TN #:</b>	215269
<b>Document Title:</b>	Notice of Staff-Pre-Rulemaking Workshop 1-23-2017
<b>Description:</b>	Notice of Staff Pre-Rulemaking Workshop on Proposed Changes to the Energy Commission's Siting Compliance Process and Procedure, January 23, 2017
<b>Filer:</b>	Chester Hong
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	1/12/2017 9:56:48 AM
<b>Docketed Date:</b>	1/12/2017

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)



## **Notice of Staff Pre-Rulemaking Workshop on Proposed Changes to the Energy Commission's Siting Compliance Process and Procedure**

### **DOCKET 15-OII-01**

California Energy Commission staff (Staff) will conduct a workshop to discuss proposed revisions to the Energy Commission's siting compliance process and procedure. Commissioner Karen Douglas and Commissioner Janea Scott may also attend the workshop.

**Monday, January 23, 2017**

9:30 a.m.

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street, 1st Floor

Sacramento, CA 95814

Imbrecht Hearing Room (Hearing Room B)

Wheelchair Accessible

Remote Access Available by Computer or Phone via WebEx™  
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### **Background**

In September 2015, the Energy Commission opened this proceeding (15-OII-01) for the purpose of exploring possible revisions to sections of Title 20 covering post certification activities, including section 1769 Amendments. On October 23, 2015, Staff conducted a Scoping Workshop for Potential Changes to the Commission's Siting and Compliance Process and Procedure.

As a result of the discussions and comments received in connection with that workshop, Staff developed an Action Plan for Updating Compliance Regulations. The Action Plan identified stakeholder support for a number of objectives, including:

- Allowing Staff-approved project changes as long as there are clear parameters for determining what types of modifications can be approved by Staff, and what needs to be approved by the Energy Commission.
- Clarifying what constitutes valid grounds for objection to a Staff recommendation on a request for modification.
- Ensuring timely processing of petitions for modification.
- In cases where project changes may be approved by Staff without approval by the Energy Commission, ensuring that the project with the proposed changes would still comply with all applicable laws, ordinances, regulations and standards and not have a significant impact on the environment.

- Establishing standard rules of procedure related to cost recovery billing under Public Resources Code section 25806(e).

The Scoping Workshop, the Action Plan, and all comments received to date in this proceeding may be found on the Energy Commission's Website at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OII-01>.

## **Draft Language**

In furtherance of the objectives identified above, Staff has prepared proposed amendments to the Energy Commission's regulations pertaining to the processing of post certification amendments to Energy Commission Decisions set forth in sections 1708 and 1769 et seq. of Title 20 of the California Code of Regulations. Staff's proposed revisions are explained briefly below:

- Staff proposes to revise section 1708 to eliminate provisions which are duplicative of section 25806 of the Public Resources Code, and currently inconsistent with the fees set forth in the statute. In addition, Staff proposes to add subdivision (h) to section 1708, to clarify those activities that constitute "processing the petition to amend" pursuant to section 25806(e) of the Public Resources Code, and are therefore subject to the fee specified in that statute. In particular, all activities of Staff, Staff subcontractors, and Staff counsel in the assessment of a proposed modification, preparation for and participation in hearings, monitoring and implementation of design changes, and all associated expenses are included. Additionally, the costs associated with overseeing compliance through the completion of construction, including the designation of a Delegate Chief Building Official, are included in the costs of processing a petition to amend. However, the activities of hearing officers, commissioners, commissioner advisors, and attorneys advising commissioners is not considered part of the processing of a petition to amend, nor are costs associated with ongoing compliance after the completion of any construction-related to the amendment.
- Staff proposes to revise section 1769, to give Staff the flexibility to approve certain changes to Air Quality conditions of certification, as long as there are no impacts and no violations of applicable laws, ordinances, regulations and standards resulting from the change. Staff also proposes minor and non-substantive revisions to clarify and simplify the language of section 1769.
- Staff proposes to add section 1769.1, which would provide a mechanism for project owners to obtain advice from Staff as to whether or not anticipated activities or changes to a project require the filing of a petition to amend.
- Staff proposes to add section 1769.2, which would allow Staff, under limited circumstances and with the concurrence of the project owner, to initiate proceedings to address ambiguities in decisions and correct or update obsolete

conditions of certification decisions, without imposition of the fee specified in section 25806(e) of the Public Resources Code.

A draft of Staff's proposed revisions is attached to this notice, and will also be filed in the docket for this proceeding and available via the Docket Log link provided above.

## Agenda

- 9:30 a.m. – 9:40 a.m.: Introduction and opening remarks—Commissioner Douglas and Commissioner Scott
- 9:40 a.m. – 10:30 a.m.: Staff presentation on the proposed revisions
- 10:30 a.m. – 12:00 p.m.: Open Discussion and Public Comment

Please note that the times provided in the foregoing agenda are tentative and subject to adjustment.

## Written Comments

**Written comments on topics related to this workshop should be submitted by 5:00 p.m. on February 3, 2017.** However, if you wish for your written comments to inform the discussion at the workshop, you are encouraged to submit comments in advance of the workshop.

Please submit written comments to the Energy Commission using the electronic commenting system on the Energy Commission's website. Visit the website at <http://www.energy.ca.gov/title20/2015-OII-01> and click on the "Submit e-Comment" link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the Energy Commission Dockets Unit.

You are encouraged to use the electronic commenting system, described above, to submit comments. If you are unable to submit comments electronically, a paper copy of your comments may be sent to:

**Docket Unit  
California Energy Commission  
Docket No. 15-OII-01  
1516 9th Street, MS-4  
Sacramento, CA 95814**

Or e-mailed to: [DOCKET@energy.ca.gov](mailto:DOCKET@energy.ca.gov)

For all comments, please include the docket number (15-OII-01") in the subject line and on the cover page. Please note that electronic, e-mailed, written, and oral comments,

attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the viewable public record.

## **Availability of Documents**

Documents and presentations for this meeting will be available online at:  
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OII-01>

## **Public Adviser and Other Commission Contacts**

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this proceeding, please contact Alana Matthews, Public Adviser at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or (916) 654-4489 or toll free at (800) 822-6228.

If you have a disability and require assistance to participate, please contact Poneh Jones at least five days in advance of the workshop, at [Poneh.Jones@energy.ca.gov](mailto:Poneh.Jones@energy.ca.gov) or (916) 654-5146.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

If you have questions on the subject matter of this workshop, please contact Chester Hong at [chester.hong@energy.ca.gov](mailto:chester.hong@energy.ca.gov) or at (916) 654-4215.

## **Remote Attendance**

You may participate in this meeting through WebEx, the Energy Commission's online meeting service. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

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3. To have WebEx call you: Enter your phone number and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on "Use Computer Headset," then "Call Using Computer."

VIA TELEPHONE ONLY (no visual presentation): Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the unique meeting number: 923 989 843. International callers may select their number from <https://energy.webex.com/energy/globalcallin.php>

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If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239.

Dated: January 12, 2017, Sacramento, California

Original Signed By:

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KAREN DOUGLAS  
Lead Commissioner

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