

**REGULATORY UPDATE FOR JANUARY 28, 2025
(WEEK OF JANUARY 20, 2025)**

PRESIDENTIAL EXECUTIVE ORDERS

On January 20, President Trump issued a slew of Executive Orders (EOs), a number of which are likely to have significant impacts on the energy sector. Those orders, and developments associated with those orders, include:

(1) [Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects](#), which includes a temporary cessation of the issuance of new or renewed approvals, rights of way, permits, leases or loans for onshore or offshore wind projects pending the completion of a Comprehensive Assessment and review of federal wind leasing and permitting practices.

- [DOI Order Suspending Delegated Authority](#). The Department of the Interior (DOI) was the first to act in response to the EO when it issued [Order No. 3415](#) on January 20th (DOI Order). In the DOI Order, the Secretary of the Interior suspended the delegation of authority to all department bureaus and offices (which includes the Bureau of Reclamation, Bureau of Land Management, and U.S. Fish and Wildlife Service) “[t]o issue *any onshore or offshore renewable energy authorization*, including but not limited to a lease, amendment to a lease, right of way, amendment to a right of way, contract, or any other agreement required to allow for renewable energy development.” (Emphasis added.) The order will continue in effect for 60 days or until any provisions are amended, superseded, or revoked. It is unclear at this time whether the 60-day period will be extended.
- [U.S. Fish and Wildlife Service \(USFWS\) Notice re Eagle Permits](#). In response to the EO, on or about January 24th, the USFWS published a notice on its website for Eagle Disturbance Take (General), that the service is “temporarily ceasing issuance of eagle permits to wind facilities until further notice.” See USFWS, [3-200-91: Eagle Disturbance Take](#).

(2) [Unleashing American Energy](#), which states it is the policy of the United States to encourage energy exploration and production on federal lands and waters, and to eliminate the “electric vehicle (EV) mandate,” and which includes a direction to federal agencies to immediately pause the disbursement of funds appropriated through the Inflation Reduction Act of 2022 or the Infrastructure Investment and Jobs Act.

(3) [Declaring a National Energy Emergency](#), which includes direction to the heads of executive departments and agencies to identify any lawful authorities available to them to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on federal lands.

Stoel Rives is actively tracking the energy sector impacts of these EOs, as well as other actions taken by the new administration.

You may contact a member of our team or to learn more about the energy-related Executive Orders we are tracking at www.stoel.com/executive-orders.

CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC OR COMMISSION)¹

Resolution (Res) ESRB-13 (Adopts General Order (GO) 167-C, Enforcement of Maintenance and Operation Standards for Electric Generating Facilities and Energy Storage Systems). This Resolution modifies GO 167 to comply with Senate Bill (SB) 1383 and to provide oversight over reporting requirements enacted in SB 38. It also updates provisions and obsolete references in the GO, as well as addresses industry changes since 2004, when the GO was initially adopted. First, it establishes standards for the maintenance and operation of Energy Storage Systems, as required by SB 1383. Second, it modifies GO 167 to require the Emergency Response and Emergency Action Plans for each Energy Storage System Owner. Because of their importance for public safety and to ensure consistency across all electricity generation technologies, the GO also requires Generating Asset Owners to coordinate with local authorities in developing their own emergency plans. In addition, this Resolution establishes Logbook Standards for Energy Storage Systems (ESS) and Renewable Generating Assets, revises Logbook Standards for all other Generating Assets, and makes other technical updates to the standards to improve safety, reliability, and effectiveness of operation and maintenance activities.

Voting Meeting

The CPUC will hold a voting meeting in Sacramento, California on January 30, 2025 at 11:00 a.m. P.T. The following are energy-related items on the [agenda](#):

Item 6. Application (A.) 23-01-013 (Application of Pacific Gas and Electric Company for Approval of G NR2 Core Gas Transportation Service for Back up Electric Generation Facilities). This decision grants, with modifications, the Application of Pacific Gas and Electric Company (PG&E) for approval to permit certain customers with need for greater than 500 kilowatt (kW) back-up electric generation to install natural gas generators and take natural gas under a proposed G-NR2 Core Gas Transportation Service Schedule Tariff (Proposed Tariff) instead of taking non-core service, subject to certain criteria and conditions. The Commission accepts PG&E's primary arguments that the Proposed Tariff would help California to achieve its greenhouse gas reduction goals, would not significantly negatively impact existing core customers, and would only be available to customers with present or future 500+ kW back-up generation needs. The

¹ Per the CPUC's Rules of Practice and Procedure Rule 14.3, comments on proposed decisions are due 20 days after issuance of the proposed decision, and reply comments are due five days thereafter. Comments on draft resolutions are due 20 days after the draft resolution appears in the CPUC's daily calendar, per Rule 14.5.

Proposed Tariff, as a pilot program, is modified in several aspects, including to preclude customers from self-generation except under specific conditions.

Item 8. Rulemaking (R.) 22-07-005 (Order Instituting Rulemaking to Advance Demand Flexibility Through Electric Rates). This decision modifies Commission Decision (D.) 24-05-028 to correct an inadvertent but substantive error identified by Commission staff. This decision also authorizes an additional scope of work, contract extension, and budget of \$650,000 for the existing third-party contractor to update the public spreadsheet tool designed to support the design of income-graduated fixed charge proposals, the contract scope and cost for which was originally provided in D.23-04-008.

Item 9. Investigation (I.)00-11-001 (Order Instituting Investigation into Implementation of Assembly Bill 970 Regarding the Identification of Electric Transmission and Distribution Constraints, Actions to Resolve Those Constraints, and Related Matters Affecting the Reliability of Electric Supply). The decision grants in part the petition to modify D.06-09-003 jointly filed by Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E). The Commission modifies D.06-09-003 to conditionally suspend the quarterly reporting requirements for transmission projects adopted therein. SCE and SDG&E will continue to report data on transmission projects to the Commission through the Transmission Project Review (TPR) Process established by Resolution E-5252. When SDG&E and SCE report their semi-annual TPR Process data, they shall continue to include information on Assembly Bill 970 Projects that are less than \$1 million

Item 12. Res E-5354 (PG&E Income-Graduated Fixed Charges). This decision approves with modifications PG&E's request to implement the income-graduated fixed charge pursuant to D.24-05-028, which includes modifications to PG&E's proposals for its billing system changes and other implementation activities, rate design, Single Family/Multifamily Study, tier assignments (including deed-restricted affordable housing), marketing, education, outreach, facilitation contractor, and additional implementation budget, and PG&E's request to record \$130,000 for costs related to the Facilitation Contractor in the Income Graduated Fixed Charge Memorandum Account. The decision rejects PG&E's request to revise implementation budgets previously approved in D. 24-05-028.

Item 14. Res E-5366 (Energy Efficiency Programs Budget Adjustment). This Resolution sets the process for Community Choice Aggregators (CCAs) to file a Tier 1 advice letter for the return of unspent funds from an "elect to administer" energy efficiency program. If a CCA applies for a renewal of their program and wants to carry forward unspent funds, they must submit a Tier 3 renewal advice letter at least six months before their current program ends. Approximately \$16,213,531 of unspent funds will be returned to bundled and unbundled customers in the PG&E service territory.

Item 15. Res E-5365 (SCE Mid-Term Reliability Contracts). This Resolution approves six SCE Midterm Reliability (MTR) Contracts for a total of 767.36 MW of nameplate capacity with Upstream HC-1 LLC, Copia Power. These contracts are for three paired (co-located) resources composed of three solar photovoltaic (PV) contracts and three battery energy storage system (BESS) contracts, procured as a result of Phases 2 and 3 of SCE's MTR Request for

Offers. These contracts represent all of the capacity and energy from one project: the Centennial Flats project, which will be brought online in three phases, beginning June 1, 2026 through September 1, 2026.

Item 16. Res E-5362 (Self-Generation Incentive Programs Residential Solar and Storage Equity Budget Category). This Resolution approves, with modification, the joint proposal by PG&E Center for Sustainable Energy, Southern California Gas Company (SoCalGas), and SCE (hereafter referred to as the joint Program Administrators (PAs)) for the Self-Generation Incentive Program's (SGIP) new Residential Solar and Storage Equity budget (RSSE) and other SGIP handbook modifications. Modifications include, but are not limited to, establishing 5 kW as the threshold for load justification for solar projects, and directing the PAs to apply the existing 5 kW per tenant load assumption for multifamily projects that applies for the storage incentive to the new solar incentive. Projects above 5 kW require load justification and projects at 5 kW or less do not require load justification. For projects where the SGIP PA is the electric utility provider for the host customer, the PA must provide the applicant with aggregated tenant load and common area load data, if requested.

Item 17. Res G-3612 (SoCalGas Biomethane Contracts). This Resolution approves a biomethane procurement contract with Organic Energy Solutions, and rejects the biomethane procurement contracts with Anew Climate (Keller Canyon) and Anew Climate (Forward) proposed in SoCalGas's Advice Letter 6316-G.

Item 18. A.22-05-002 et al. (Application of Pacific Gas and Electric Company for Approval of its Demand Response Programs, Pilots and Budgets for Program Years 2023- 2027). This decision denies the Petition for Modification filed on June 27, 2024, by Leapfrog Power, Inc., Ohmconnect, Inc., Center for Energy Efficiency and Renewable Technologies, and the California Efficiency + Demand Management Council. The Petition alleged that D.24-04-006 ended the Demand Response Auction Mechanism, meaning that third-party demand response providers are now required to become sub-contractors to investor-owned utilities in order to serve AutoDR customers, contrary to Commission precedent. The decision finds that this issue has already been litigated and addressed and denies the Petition.

Item 20. R.23-01-007 (Implementing SB 846 Concerning Potential Extension of Diablo Canyon Power Plant Operations). This decision grants the October 3, 2024 petition of the small multi-jurisdictional utilities (SMJUs) to modify D.23-12-036. Accordingly, D.23-12-036 is modified: 1) to eliminate any requirement for SMJUs to collect and remit Diablo Canyon Power Plant (DCPP) costs to PG&E); and 2) to eliminate any requirement for PG&E to collect and remit DCPP benefits to SMJUs. The decision finds that eliminating administrative burden and transaction costs associated with collecting and remitting DCPP benefits and costs will benefit ratepayers without affecting DCPP extended operations.

Item 42. R.23-05-018 (Order Instituting Rulemaking to Update and Amend Commission General Order 131-D). This decision resolves the outstanding Phase 2 issues and adopts GOD 131-E, attached to the decision as Attachment B. Attachment A to the decision is GO 131-D, which is redlined to reflect the revisions adopted. GO 131-E requires an early pre-filing coordination process and provides applicants with the opportunity to prepare and submit a draft

version of California Environmental Quality Act (CEQA) documents in lieu of the Proponent's Environmental Assessment (PEA) to help accelerate the processing time for the Certificate of Public Convenience (CPCN) and Permit to Construct (PTC) applications. The decision also adopts a pilot to further study ways to streamline the existing CEQA review process at the Commission and instructs the Commission's Energy Division staff to report on the results of this pilot review by compliance filing on December 1 of every even year starting with December 1 of 2026, to this docket. This decision adopts revisions to GO 131-D, as reflected in GO 131-E, including language incorporating Assembly Bill (AB) 1373 provisions that the Commission shall establish a rebuttable presumption in favor of the California Independent System Operator's (CAISO) need evaluation when considering the issuance of a CPCN for a proposed transmission project, given that the project meets certain criteria specified in Public Utilities Code Section 1001.1. This decision also adopts GO 131-E requirements that reflect AB 2292 provisions regarding the Commission's consideration of transmission project alternatives during the Commission's review of proposed project applications. In addition, this decision makes other updates and clarifications to GO 131-D, as reflected in the attached GO 131-E, including: (1) updating and clarifying various terms, definitions and exemptions; (2) consolidating electric and magnetic fields (EMF) application requirements within existing application requirements; (3) updating reporting requirements including the list of financial information that must be reported by electric public utilities to the Commission; (4) aligning of GO language with GO-96 B that specifies rules for dispositions of advice letters; and (5) requiring protests of Commission Executive Director dispositions of advice letters that grant PTC exemptions to be addressed through applications for rehearing pursuant to AB 551.

CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)

Stakeholder Initiatives: Upcoming Meetings and Deadlines

Resource Adequacy Modeling and Program Design. CAISO will host Resource Adequacy Modeling and Program Design (RAMPD) working group hybrid workshops on February 10 and February 11, 2025. Registration for in-person attendance is due February 3, 2025. Further information is available [here](#).

Gas Resource Management Working Group. CAISO has published an Issue Paper for the Gas Resource Management Working Group initiative, and will host a stakeholder call on February 13, 2025. Written comments are due March 11, 2025. Further information is available [here](#).

Subscriber Participating Transmission Owner. CAISO has posted the straw proposal for the Subscriber Participating Transmission Owner Market Scheduling Options initiative, and held a public stakeholder call on January 27, 2025 to discuss this proposal. Written comments are due February 10, 2025. Further information is available [here](#).

2026 and 2030 Local Capacity Technical Study. CAISO has posted the draft base cases for use in the 2026 and 2030 Local Capacity Technical Studies, which are available for stakeholder review and comment by January 30, 2025. Further information is available [here](#).

Transmission Development Forum. CAISO, the CPUC, and the participating transmission owners will hold their biannual public stakeholder call on January 29, 2025, to provide status updates on the transmission planning process and network upgrades identified in the generation interconnection process. Further information is available [here](#).

Interconnection Process Enhancements 2023. CAISO posted the Interconnection Process Enhancements 2023: Track 3 Draft Final Proposal to the initiative webpage on January 9, 2025, and held a stakeholder call on January 15, 2025 to discuss this proposal. Related information is available in the [meeting notice](#). Written comments are due by January 29, 2025. Further information is available [here](#).

2025 Annual Policy Initiatives Catalog and Roadmap Development Process. CAISO will begin the 2025 Annual Policy Initiatives Catalog and Roadmap development process, and will host a stakeholder call on January 30, 2025. Further information is available [here](#).

2025 CAISO Legal Forum. CAISO will host its Legal Forum on Thursday, April 10, 2025, at its headquarters in Folsom, California. This event provides opportunities for legal professionals from the energy industry to network, discuss current legal topics, gain Minimum Continuing Legal Education credit, and tour the CAISO control room overlook. Further information is available [here](#).

Greenhouse Gas Coordination. CAISO has published an Issue Paper for its GHG Coordination working group, and held a working group meeting on January 21, 2025. Written comments are due February 11, 2025. Further information is available [here](#).

Cluster 15 Interconnection Long Lead-Time (LLT) Resource Points Clarification. CAISO has clarified that long duration storage is not eligible to receive system need points as a LLT resource in Cluster 15, available [here](#).

CALIFORNIA ENERGY COMMISSION (CEC)

2024 Integrated Energy Policy Report (IEPR) Update

The CEC is working on its 2024 IEPR Update and ongoing workshops were held through December 2024 to develop the record. The policy recommendations included in the 2024 IEPR Update will be based on the record developed during the proceedings, including data and technical analyses by staff and stakeholders. According to the [workshop schedule](#) (which is subject to change), after various workshops throughout the past few months, the CEC will consider adoption of the 2024 IEPR Update at the March 17, 2025 Business Meeting.

Offshore Wind

The [California Ports and Offshore Wind Symposium](#) (Symposium) will take place on February 21, 2025 at the Port of Long Beach. According to the Symposium [agenda](#), topics to be discussed at the Symposium include upgrading ports to achieve offshore wind, climate, and environmental goals; developing the new offshore wind workforce in port communities; and

collaborating to improve portside communities. The Symposium is free to attend and registration information is available [here](#).

Demand Side Grid Support (DSGS) Program Guidelines

On January 14, 2025, the CEC issued a draft Fourth Edition with proposed changes (redlined version is available [here](#)) to the DSGS Program Guidelines, which establish the rules for the program, including eligibility requirements, participation process, and incentive options. The DSGS Program was created pursuant to AB 205 (Ting, Chapter 61, Statutes of 2022) and expanded by Assembly Bill 209 (Ting, Chapter 251, Statutes of 2022). The DSGS Program is part of the State's Strategic Reliability Reserve and provides incentives to reduce customer net-energy load during extreme events with upfront capacity commitments and per-unit reductions in net load.

Zero Emissions Vehicles (ZEVs)

On January 14, 2025, the CEC issued a request for information (RFI) in docket 22-EVI-04 to better understand the impact of vandalism on charging reliability and to improve convenience for EV drivers. The CEC seeks information from EV charging station operators and other interested organizations, stakeholders, and interested members of the public on the severity, extent, and frequency of vandalism events that render charging ports inoperable. The CEC is also seeking information on measures and practices that have proved effective at reducing vandalism. The goal of the RFI is to identify and work to prevent or address factors, such as vandalism, that can reduce charger reliability and the public's confidence in a convenient, reliable, and safe charging network for their EVs. The RFI, which is available [here](#), poses a detailed set of questions for stakeholder input. Responses to the RFI may be submitted through Monday, February 17, 2025 by e-filing to the 22-EVI-04 [docket](#).

On January 15, 2025, the CEC extended the deadline from January 24 to February 7 for stakeholder comment on an RFI relating to medium- and heavy-duty ZEVs to better define "public" charging and refueling infrastructure for CEC funding opportunities. CEC Staff seek information regarding the current state of the medium- and heavy-duty (MDHD) market to establish eligibility criteria for upcoming funding opportunities, and this RFI poses specific questions relating to reservation systems used for fleets and the trucking industry, protocols for sites with first-come-first-served chargers that also allow charging reservations, standardized communication protocols, and other issues relating to public use and public benefit at MDHD charging stations. Additional information relating to the RFI and detailed questions are available [here](#). Comments on the RFI may be submitted through February 7, 2025, on the docket 19-TRAN-02.

Also on January 15, the CEC released a notice of availability and request for comments regarding the Draft 2024 ZEV Infrastructure Plan (ZIP). Staff will host a workshop to present on

the Draft ZIP on January 29, 2025 from 9:00 a.m. to 12:00 p.m. Details and additional information, including a link to the ZIP proposal, are available [here](#).

CEC Business Meetings

The next CEC Business Meeting is scheduled for February 12, 2025.

CALIFORNIA AIR RESOURCES BOARD (CARB)

Meetings and Workshops

CARB and the CEC are holding a series of evening community meetings on the state's [Transportation Fuels Transition Plan](#). The [first meeting](#) will take place in Richmond, California, on January 29, 2025. The [second meeting](#) will be held in Bakersfield, California on February 4, 2025. On February 5, 2024, the [third meeting](#) will be held in Wilmington, California. The agencies plan to host a virtual workshop on the Plan in Spring 2025.

On January 30, 2025, CARB will hold a meeting of the Advanced Clean Fleets' [Truck Regulation Implementation Group](#) on outreach. More information and registration are available [here](#).

On February 10, 2025, CARB will hold a meeting of the Advanced Clean Fleets' [Truck Regulation Implementation Group](#) on infrastructure. More information and registration are available [here](#).

On February 13, 2025, the Scientific Review Panel on Toxic Air Contaminants will hold a public meeting. More information is available [here](#).

Notices

The [F-Gas Reduction Incentive Program](#) is accepting applications until January 31, 2025 to receive funding to install climate-friendly refrigerant technologies at commercial and industrial facilities. CARB has recently [amended](#) the Program's [Funding Guidelines](#) to expand applicant eligibility. Applications and more information are available [here](#).

Opportunities for Public Comment

CARB has issued a public [solicitation](#) for information to aid in the implementation of new climate-related disclosure laws, SB 253 and SB 261. Comments may be submitted [here](#) until February 14, 2025.

MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)

On Thursday, January 23, 2025, at its weekly agenda meeting, the MPUC will consider Xcel Energy's proposed Community Solar Garden ("CSG") tariff revisions to provide customer protections to tenants under a rebilling or third-party billing arrangement (MPUC Docket No. E-

002/M-21-695). Specifically, the MPUC will consider changes made pursuant to new tenant-landlord legislation that became effective January 1, 2025, and impacts changes Xcel Energy previously made to its CSG tariff. Those changes, which Xcel Energy made in a 2022 compliance filing, addressed access issues for tenants being billed by landlords or other third-party billing companies – due to the billing structure, those tenants were not considered the customer of record with Xcel and were thus unable to access low-income programs such as PowerON. The newly effective tenant-landlord legislation grants the MPUC the authority to regulate, in relevant part, third-party billing agents that perform utility management services at shared-metered residential buildings. *See* Minn. Laws 2024 Ch. 107. Xcel now proposes changes in its tariff language to comport with the requirements of the new law, which will be the subject of discussion before the MPUC.

Additionally, the MPUC will consider approval of Xcel Energy's 2024 Renewable Energy Standard Rider revenue requirements (MPUC Docket No. E-002/M-23-454) and its November 21, 2024 proposal to adjust its Gas Affordability Program surcharge and budget (MPUC Docket No. G-002/M-22-257).

On February 4, 2025 and February 6, 2025, the MPUC will consider whether to approve or modify Xcel Energy's 2023 Natural Gas Innovation Plan (MPUC Docket No. G002/M-23-518), which includes 12 pilots and nine research and development projects that would deploy all eight innovative resources identified in the Natural Gas Innovation Act (NGIA). The NGIA dictates, as part of the MPUC's determination, consideration of several factors including that the plan produces net benefits, promotes renewable energy resources and reduces greenhouse gas emissions, and promotes local economic development.

In other news, Minnesota lawmakers seem poised to renew efforts to repeal the 31-year-old moratorium on new nuclear plants, as Republican legislators have made repealing the moratorium a top priority. With Minnesota's state mandate for a carbon-free grid by 2040, Xcel Energy has indicated its carbon-free goals hinge on extending the life of its two nuclear plants, the Prairie Island and Monticello nuclear plants, into the 2050s. Democratic leaders have stated support from the Prairie Island Indian Community is crucial for any movement to lift the moratorium. The related Minnesota Star Tribune article is accessible [here](#). As part of their efforts to end the moratorium, Republican senators have proposed Senate File 718, which if passed, would abolish the moratorium on new nuclear plants. The proposed bill is accessible [here](#). Note, the bill may need to be re-introduced given the January 24, 2025 Minnesota Supreme Court decision that 68 members are necessary to constitute a quorum, which impacts Senate File 718 as it was introduced during the House Democrats' boycott of the legislative session, which denied the House a quorum. *See Simon v. Demuth*, No. A25-0066 (Minn. Jan. 24, 2025) (consolidated with *Hortman v. Demuth*, No. A25-0068)). Due to quorum issues, energy legislation may be at a standstill in the Minnesota House indefinitely.

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

On January 20, 2025, President Trump named Mark Christie Chairman of FERC. Christie began his term as a FERC Commissioner on January 4, 2021, after having been nominated by

President Trump in July 2020, and confirmed by the U.S. Senate on November 30, 2020. Before joining FERC, Christie was the Chairman of the Virginia State Corporation Commission for approximately 17 years.

At the January 16, 2025, Commission Open Meeting, in [190 FERC ¶ 61,030 \(2025\)](#), FERC issued an order accepting Southwest Power Pool, Inc.'s (SPP) proposed tariff to implement a centralized day-ahead and real-time unit commitment and dispatch market in the Western Interconnection (Markets+ Tariff), subject to SPP submitting a compliance filing within 30 days of the date of the order. The order also directs SPP to submit an informational filing notifying the Commission of the actual effective date of the proposed Markets+ Tariff and informational reports every six months during the implementation period as well as every six months for a period of three years after the Markets+ Tariff effective date.

Also at the January 16, 2025 Commission Open Meeting, in [190 FERC ¶ 61,018 \(2025\)](#), FERC issued an order addressing SPP's proposed changes to its tariff to implement an Effective Load Carrying Capability methodology for wind, solar, and storage resources; a performance-based accreditation (PBA) methodology for conventional resources; and a fuel assurance incentive related to the proposed PBA methodology. The order accepts and suspends the proposed tariff revisions. Additionally, the order consolidates Docket Nos. ER24-1317-000 and ER24-2953-000 and establishes paper hearing procedures to allow parties to provide additional comment on the now-consolidated proceeding.