

**REGULATORY UPDATE FOR OCTOBER 17, 2023  
(WEEK OF OCTOBER 9, 2023)**

**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC OR COMMISSION)**

New Proposed Decisions and Draft Resolutions<sup>1</sup>

Resolution (Res) SED-8 (PG&E 2021 Dixie Fire Consent Order and Agreement). This Resolution approves an Administrative Consent Order and Agreement (ACO) between the Commission's Safety and Enforcement Division (SED) and Pacific Gas and Electric Company (PG&E) to resolve all issues involving the 2021 Dixie Fire. PG&E agrees to a \$45 million penalty, consisting of a \$2.5 million fine to the General Fund of the State of California, a \$2.5 million payment to tribes impacted by the Dixie Fire for remediations of the impacts of the Dixie Fire on tribal lands, and \$40 million in shareholder funding for capital expenditures for the initiative to transition from hard copy records to electronic records or distribution patrols and inspections. This Resolution includes an analysis of the Penalty Assessment Methodology.

Rulemaking (R.) 22-10-010 (Decision Implementing Assembly Bill 843 Setting Rules To Enable Community Choice Aggregators To Participate In The Bioenergy Market Adjusting Tariff Program). This proposed decision, issued on October 10, would set rules to enable Community Choice Aggregators (CCAs) to participate in the Bioenergy Market Adjusting Tariff (BioMAT) program, as authorized by Assembly Bill (AB) 843. These requirements include but are not limited to directing CCAs to submit a joint CCA Tier 2 advice letter to request approval of tariffs, a standard power purchase agreement, program participation request forms, and initial balancing account statements, and non-bypassable charge rate schedules within 30 days of the effective date of this decision; purchase Renewable Portfolio Standard (RPS) and Resource Adequacy (RA) attributes based on market price benchmarks, as calculated in the investor-owned utilities' (IOUs') non-bypassable charge (NBC) methodology and comply with RPS and RA resource requirements; record BioMAT costs allocated to customers in IOU NBCs in public purpose program surcharges in balancing accounts; submit Tier 3 advice letters to request approval of eligible BioMAT program forecasted revenue requirements or costs for the upcoming calendar year and true up costs that reflect actual costs; serve supplemental testimony in IOU energy resource recovery account (ERRA) forecast proceedings that request IOUs to incorporate eligible CCA BioMAT costs in IOU forecasted ERRA revenue requirements in certain circumstances.

Res E-5285 (PG&E Request for Amendment of Mid-Term Reliability Contract approved in Res E-5202). This Resolution approves an amendment to the contract of PG&E and Nighthawk Energy Storage, LLC for 300 megawatts (MW) of lithium-ion battery storage.

---

<sup>1</sup> Per 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 CPUC's daily calendar, per Rule 14.5.

Whereas the delivery date for the previously approved contract was June 1, 2024, the delivery date in the amended contract is June 1, 2025.

Res SPD-14 (Resolution Retaining Existing Performance Metrics, Wildfire Mitigation Plan Requirements, and Safety Culture Assessment Process for Electrical Corporations). This Resolution adopts Energy Safety's recommendation to retain the existing performance metrics for the 2025 wildfire mitigation plan (WMP) Updates. Performance metrics are intended to assess utility performance and outcomes resulting from executing the WMPs. The resolution finds that retaining the existing performance metrics will allow for consistent data reporting across the current WMP cycle. Energy Safety does not plan to include any new WMP requirements in its 2025 WMP Update Guidelines. Consequently, Energy Safety does not recommend any changes to the WMP requirements at this time. This Resolution adopts Energy Safety's proposed annual safety culture assessment process and contains minor modifications to last year's process approved in Resolution SPD-6.

### Voting Meetings

The CPUC held a voting meeting in Stockton, California, on October 12, 2023, at 11:00 a.m. PT. Here are the results for energy-related items on the agenda:

Item 1. Res ALJ-435 (Appeal of Amended Citation E.18-02-001 Issued to SCE by Safety and Enforcement Division). This resolution dismisses Amended Citation E.18-02-0011 issued by the CPUC's SED to Southern California Edison Company (SCE) with one exception. SED proved by a preponderance of the evidence that Rule 37 of General Order 95 was violated; that charge, without the imposition of any penalties, is sustained, as discussed in this resolution. This resolution closes the proceeding K.18-03-008. **Approved.**

Item 4. Rulemaking (R.) 20-05-003 (Petition for Modification on Modified Cost Allocation Mechanism). This decision denies a petition for modification (PFM) of Decision (D.) 22-05-015, filed jointly by San Diego Community Power and the Clean Energy Alliance on October 28, 2022. D.22-05-015 adopted the Modified Cost Allocation Mechanism, which allocates costs for electricity procurement by IOUs on behalf of non-utility load-serving entities (LSEs). The PFM sought to use the year-ahead load forecast instead of the actual load being served as the basis for the one-time provision in D.22-05-015 for purchase of RA capacity. **Withdrawn.**

Item 5. R.15-03-011 (Station Power Rules for Hybrid and Co-Located Resources). This decision establishes rules for station power at hybrid and co-located resources. This decision determines that station power rules that were previously established for stand-alone storage are now applicable to hybrid resources with on-site self-supply for charging storage device for later resale, except that the storage may discharge to cover station power loads when the resource is otherwise idle. No physical or financial assurance to prevent grid charging is required, but the Commission directs the IOUs to monitor hybrid resources for inappropriate or unintentional grid charging through an annual report for two years. This decision also determines that station power rules for stand-alone storage are applicable to hybrid resources with mixed self-supply and grid charging of a storage device for later resale in the near term or until a more granular

accounting system to distinguish the source of charging is developed. With respect to developing a more granular accounting system for hybrid resources, the IOUs are directed to meet and confer with other interested parties about the feasibility of developing such a method and file an advice letter detailing a development and implementation plan for the accounting system and the cost associated with it. Additionally, this decision determines that station power rules for stand-alone storage are not applicable to co-located resources; netting to serve station power load is not permitted between two co-located resources. Station power rules for stand-alone in-front-of-the-meter energy storage, including the permitted netting rules, are applicable to the individual storage resource in a set of co-located resources. Lastly, the decision denies the petition to modify D.17-04-039, filed by the California Energy Storage Alliance on March 19, 2021, on grounds that the request to address station power rules for battery resources is now moot. **Signed, D.23-10-003.**

Item 6. Res E-5280 (PG&E Request to Retain Access to Ruby Pipeline by Foregoing the 2024 and 2025 Step Down Rights). This resolution approves PG&E's request to retain Ruby Pipeline capacity by foregoing its 2024 and 2025 step-down rights. Pursuant to D.21-12-035 and associated contract, PG&E had the right to "step down" its Ruby Pipeline capacity for gas by 20%, or 25,000 MMBtu/d, for each of five years beginning in 2022. In AL 6932-E, PG&E requests to forgo its 2024 and 2025 step-down rights in order to ensure a reliable and diverse natural gas supply portfolio. **Approved.**

Item 7. A.21-05-011; A.21-05-014 (Sempra Utilities 2021 RAMP). The procedures adopted in D.14-12-025, D.16-08-018, and D.18-12-014 required the Sempra Utilities (San Diego Gas & Electric Company (SDG&E) and SoCalGas) to file Risk Assessment Mitigation Phase (RAMP) Reports. The RAMP process focuses on safety and effective risk mitigation to further reduce risk to the utilities, employees, contractors, and the public. The Commission's Safety Policy Division (SPD) reviewed Sempra Utilities' RAMP Reports for consistency with the Safety Model Assessment Proceeding and assessed whether Sempra Utilities included the elements required by D.18-12-014. The SPD recommended several changes in response to the Sempra Utilities' RAMP process. An assigned Commissioner's Ruling required Sempra Utilities to incorporate revised risk calculation into its Test Year (TY) 2024 general rate case (GRC) applications. This RAMP process impacts Sempra Utilities' risk management analysis and procedures that will be analyzed in the 2024 GRC proceeding. Sempra Utilities provided information showing how it has integrated the RAMP process into its TY 2024 GRC applications. This Decision finds that the Sempra Utilities' RAMP Report and analysis are procedurally complete pursuant to D.14-12-025, D.16-08-018, and the S-MAP Settlement adopted in D.18-12-014. This proceeding is closed. **Signed, D.23-10-004.**

Item 8. Res ALJ-445 (PG&E Request for Hearing in the Matter of PG&E's Execution of 2020 Public Safety Power Shutoff Events). This resolution grants the Joint Motion of the SED and PG&E for Approval of Settlement Agreement (Settlement Agreement) that resolves all issues in the scope of this proceeding. The terms of the Settlement Agreement are as follows: PG&E shall (1) pay a monetary penalty of \$500,000 to the California State General Fund and (2) fund an additional \$7.5 million for the Independent Safety Monitor from 2023 to 2026. These amounts shall be funded by PG&E shareholders, and PG&E shall not seek to recover any of these costs in rates. The Settlement Agreement reflects parties' integrated agreement inclusive

of anticipated tax treatment of the Settlement Agreement amounts. A copy of the Settlement Agreement is attached as Appendix A to the resolution. **Approved.**

Item 9. A.23-04-012 (Southwest Gas Corporation Authority to Issue Debt Securities). This decision grants Southwest Gas Corporation (Southwest) authority to issue up to \$600 million of new debt. This decision also authorizes Southwest to refinance previously issued short-term debt securities, to refinance previously authorized securities under the Evergreening Authority Guidelines, and to enter into interest rate risk management contracts. **Signed, D.23-10-005.**

Item 11. R.18-07-003 (PFM of D.20-10-005). This decision denies the October 8, 2021 PFM of D.20-10-005, Decision Resuming and Modifying the Renewable Market Adjusting Tariff Program, filed by Burning Daylight, LLC, JTN Energy, LLC, Reido Farms, LLC, and Vote Solar. As indicated in D.20-10-005, this proceeding may consider further changes to the Renewable Market Adjusting Tariff (ReMAT) Program as data on the revised ReMAT Program's performance and other R P S program procurement becomes available, including CCAs' and Electric Service Providers' procurement. **Signed, D.23-10-006.**

Item 12. Res E-5288 (Bioenergy Renewable Auction Mechanism Program and Procurement and/or Extension of Eligible Contracts Pursuant to SB 1109). This resolution orders PG&E, SCE, and SDG&E (collectively IOUs) to procure from eligible Bioenergy Renewable Auction Mechanism (BioRAM) facilities that meet emissions limits equivalent to, or more stringent than, the applicable best available retrofit technology as determined by the local air pollution control district or air quality management district to meet their proportionate share of 125 MW of cumulative rated generating capacity through financial commitments of five to 15 years. This resolution also directs PG&E, SCE, and SDG&E to amend or extend their existing BioRAM contracts that were operative at any time in 2022 to procure from only eligible bioenergy resources that are not located in federal extreme or severe nonattainment zones for particulate matter or ozone. **Approved.**

Item 14. A.22-02-008 (Liberty Utility Customer Resiliency Program). This decision grants the joint motion of Liberty Utilities, CalPeco Electric LLC, and the Public Advocates Office for adoption of a settlement agreement and resolves all issues in the scope of this proceeding. The settlement agreement resolves issues regarding the reasonableness of the three major components of Liberty Utility's Customer Resiliency Program—the Kings Beach Resiliency Corridor Demonstration Project, the Behind the Meter Battery Energy Storage System, and Mobile Diesel Generator Program. The Settling Parties are the only parties to this proceeding. **Held.**

Item 15. A.23-04-002 (SDG&E Debt Authorization). This decision grants SDG&E authority to expand its short-term borrowing authority. The short-term debt authorized by the decision is in addition to the short-term debt that SDG&E may issue pursuant to Public Utilities Code § 823(c). SDG&E's short-term borrowing authorization will be used to maintain its financial options for securing adequate temporary financing of (1) SDG&E's balancing account under-collections and delinquent customer accounts; (2) price fluctuations in customer commodity procurement, including commodity hedge programs; (3) retirements of SDG&E's

long-term debt and bridge financing during potential financial market disruptions; and (4) to satisfy other short-term or emergency cash needs that may arise. The authority granted by the decision will become effective when SDG&E pays a fee of \$756,000 pursuant to Public Utilities Code § 1904 (b). **Signed, D.23-10-008.**

Item 35. R.20-08-020 (Net Energy Metering Tariffs, Subtariffs, and Consumer Protections). This decision addresses the remaining six issues of this proceeding. This decision adopts a virtual net billing tariff that mirrors the net billing tariff adopted in D.22-12-056 and balances the competing requirements of the Guiding Principles adopted in D.21-02-007 and Public Utilities Code § 2827.1. The virtual net billing tariff provides retail export compensation rates based on Avoided Cost Calculator values but recognizes the unique circumstances of customers taking service on this tariff and provides higher adders for residential customers than those offered in the net billing tariff. This decision adopts an aggregation net billing subtariff that also mirrors the net billing tariff but maintains the credit and debit approach used in the existing net energy metering aggregation subtariff. This decision improves the Watch List process, previously adopted in D.21-06-026, and establishes a process for addressing customer bill format issues. As directed by D.22-12-056, this decision establishes the process for an evaluation of the net billing tariff, virtual net billing tariff, and aggregation net billing subtariff. This decision provides a transparent process with opportunity for party feedback. Following adoption of the California Air Resources Board Greenhouse Gas Emissions Reductions Standards, this decision reviewed comments on a Staff Proposal to Implement Net Energy Metering Fuel Cell Greenhouse Gas Emission Standards. This decision adopts a revised version of the Staff Proposal. This decision adopts a plan to implement Public Utilities Code § 769.2, which requires certain contractors and projects to provide prevailing wages to construction workers and apprentices. This decision revises the interconnection application process and requires the creation of a disclosure form and an eligibility checklist. This decision also requires the IOUs to collaborate with the Department of Industrial Relations in sharing information. **Held.**

Item 36. R.23-10-011 (Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Reforms and Refinements, and Establish Forward Resource Adequacy Procurement Obligations). This rulemaking continues the CPUC's oversight of the RA program, establishes forward RA procurement obligations applicable to LSEs beginning with the 2025 compliance year and considers structural reforms to the program. This proceeding is the successor to R.21-10-002, which addressed these topics over the past two years. **Signed, R.23-10-011.**

#### Workshops and Other Events

**Resiliency Planning and Evaluation—4-Pillar Methodology Use Cases: SDG&E and Sonoma County Junior College District.** On October 19, 2023 from 9:00 a.m. to 12:00 p.m. PT, presentations by SDG&E and Sonoma County Junior College District (SCJCD) will discuss how the 4-Pillar Methodology can be used for resiliency planning in two different use cases. SDG&E will demonstrate an in-front-of-the-meter utility use case application of the 4-Pillar Methodology as it applies to successive iterations of its Borrego Springs microgrid. SCJCD will

demonstrate a behind-the-meter campus use case as it applies to its long-term resiliency planning including, but not limited to, its on-site microgrid. Further information is available [here](#).

**Slice of Day Calibration Tool Workshop.** On October 25, 2023, from 10:00 a.m. to 1:00 p.m. PT, the CPUC Energy Division will hold a workshop to present the Slice of Day Calibration Tool and answer questions. Additionally, there will be a brief presentation on staff's revised thermal derate model. The CUC will circulate workshop materials by October 20, 2023.

**Natural Gas Planning Workshop.** The Energy Division will host a workshop on October 26, 2023 from 9:00 a.m. to 12:00 p.m. PT to discuss gas utility and independent storage provider preparations for the upcoming winter. Two panels will be held at the workshop and discussions will focus on current market conditions, winter outlook, customer communications, storage inventory, and enhanced communications regarding inventory levels. Participation in the workshop is remote only, and Webex login details are available [here](#). (Workshop password: Gasworkshop.)

**Energy Division Office Hours on RA Slice of Day.** Energy Division Staff will host several scheduled office hours to meet with stakeholders on questions related to the new slice of day process and LSE showing tool. The office hours will be held on WebEx, and login access is available [here](#). The next office hours are scheduled for October 19 and November 16, 2023. The Energy Division encourages stakeholders to submit questions via email in advance. Additional details on the new slice of day implementation process are available on the Commission's RA webpage, available [here](#).

**Joint Utilities Hydrogen Blending Technical Stakeholder Workshop.** On November 6, 2023, from 1:00 to 3:00 p.m., the Joint Utilities will hold a technical stakeholder workshop to solicit stakeholder and public feedback with regard to the data collection plans related to the proposed hydrogen blending pilots and to use that feedback to inform the design and implementation of the pilot project's necessary testing and monitoring systems. Attendance is remote only. Registration information is available [here](#).

## **CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)**

### **Stakeholder Initiatives: Upcoming Meetings and Deadlines**

**September 2023 Key Statistics.** CAISO has posted its September 2023 Key Statistics which provides a snapshot of key statistics, including peaks, renewable energy use, installed renewable resources, curtailment totals, historical data, and Western Energy Imbalance Market benefits. The statistics are available [here](#).

**Extended Day-Ahead Market ISO BAA Participation Rules.** CAISO has posted the Extended Day-Ahead Market ISO BAA Participation Rules Track A revised draft tariff language documentation. CAISO plans to file the tariff language at the Federal Energy Regulatory Commission in mid-October 2023. The revised draft tariff language is available [here](#).

**Department of Market Monitoring.** The CAISO Department of Market Monitoring will host a stakeholder call on October 18, 2023, to discuss potential monitoring and transparency measures for priority wheeling through service established under Transmission Service and Market Scheduling Priorities Phase 2—Track 1. Presentation materials and participation information are available [here](#).

**Resource Adequacy Modeling and Program Design.** CAISO launched a new working group called Resource Adequacy Modeling and posted a discussion paper on the Resource Adequacy Working Group webpage, and held a virtual meeting on October 5, 2023. Written comments on the working group discussion and the Resource Adequacy Working Group discussion paper are due by end of day October 20, 2023. Further information is available [here](#).

**Greenhouse Gas Coordination.** CAISO will hold a public hybrid stakeholder working group meeting on October 19, 2023, related to GHG coordination. Written comments on the working group discussion are due on November 2, 2023. Limited interest in in-person participation may result in CAISO changing the meeting to a virtual-only format. CAISO will notify stakeholders of any changes to the meeting format through a notice in the Daily Briefing. Further information and registration details can be found [here](#).

**Transmission Development Forum.** CAISO, in conjunction with the CPUC and the participating transmission owners, will hold its quarterly public stakeholder call on October 25, 2023 to provide status updates on the transmission planning process and network upgrades identified in the generation interconnection process. Further information can be found [here](#).

**Transmission Service and Market Scheduling Priorities Phase 2.** CAISO has scheduled a public stakeholder call on October 27, 2023 to discuss the Transmission Service and Market Scheduling Priorities Phase 2 Track 2 revised draft tariff language. Written comments on the Track 2 revised draft tariff language are due on October 19, 2023. Registration details and further information are available [here](#).

**2024 Annual Acquired Resource Notification.** All scheduling coordinators representing an Acquired Resource in the RA program shall submit a Customer Inquiry, Dispute and Information (CIDI) ticket that must include the title Acquired Resource 2024 (LSE ID) to CAISO about the status of each Acquired Resource. Notification is due by October 31, 2023; however, CAISO recommends submitting as soon as possible to allow time to handle any questions/discrepancies. If a scheduling coordinator does not submit a CIDI ticket by the deadline, they will lose their status as an Acquired Resource. Further information is available [here](#).

**Resource Adequacy Modeling and Program Design.** CAISO will host a meeting for the Resource Adequacy Modeling and Program Design working group on November 1, 2023, from 9:00 a.m. to 1:00 p.m. PT. Further details are available [here](#).

## **CALIFORNIA ENERGY COMMISSION (CEC)**

### Integrated Energy Policy Report (IEPR)

The CEC released an update to its [2023 IEPR Workshop Schedule](#). Forthcoming remote-only workshops include:

- November 7 (previously scheduled for October 25): Draft 2023 IEPR Findings and Recommendations (1:00-4:00 p.m. PT)
- November 15: California Electricity Demand Forecast, Load Modifier Scenario Results (10:00 a.m.-5:00 p.m. PT)
- December 6: California Electricity Demand Forecast Results (1:00-5:00 p.m. PT)

The schedule is also accessible on the [2023 IEPR website](#).

### SB 100

Senate Bill 100 (SB 100) requires the CEC, CPUC, and CARB to complete a joint agency report to the Legislature evaluating the 100% zero-carbon electricity policy. On October 31, 2023, the CEC will host a joint [workshop](#) to present and discuss the framework for the SB 100 Joint Agency Report. According to the workshop notice, the “framework will be used to analyze pathways to achieving the SB 100 targets of 100% clean electricity by 2045,” and “[t]he results of the modeling effort and pathway tradeoffs will be assessed in the 2025 SB 100 Joint Agency Report.” Additional information, including remote and in-person attendance information, is available [here](#).

### RPS

On September 29, 2023, the CEC released the following via email list serve notification:

As specified by Chapter 7 of the *Renewable Portfolio Standard Eligibility Guidebook, Ninth Edition, (Revised)*, all load-serving entities (LSEs), including retail sellers and local publicly owned electric utilities (POUs), are required to report retirement of 2022 renewable energy credits for California’s Renewables Portfolio Standard (RPS) program to the California Energy Commission (CEC) by July 3, 2023. On June 30, 2023, due to technical challenges affecting e-Tags matching in Western Renewable Energy Generation Information System (WREGIS), the CEC Executive Director found good cause to extend the 2022 RPS annual reporting deadline for all LSEs to September 30, 2023, pursuant to Chapter 8.D.4 of the *Renewable Portfolio Standard Eligibility Guidebook, Ninth Edition, (Revised)*.

On September 20, 2023, the Executive Director of WREGIS notified CEC staff that the system issue persists and will not be resolved until after the September 30, 2023, annual reporting deadline. The system issue prevents certain generators from having RECs created for their RPS-eligible generation, which is necessary for LSEs to report to the CEC. **The CEC Executive Director therefore finds good cause to grant an additional extension to the 2022 RPS annual reporting deadline for all LSEs. The annual**



**reporting deadline shall be extended to 30 calendar days after WREGIS has fully resolved the system issue and notified the CEC. A subsequent notification will be given to LSEs at that time, which will trigger the 30-day annual reporting deadline.**

This extension for LSEs applies to all REC retirements previously due by July 3, 2023 (subsequently extended to September 30, 2023), as described in the [2022 WREGIS Reporting Guidance document](#) and the additional annual reporting requirements for POUUs described in the [2022 Annual Reporting Instructions for POUUs](#). **LSEs ready to file their completed 2022 RPS annual filing by the September 30, 2023, deadline are encouraged to do so. LSEs that have already filed their completed 2022 RPS annual filing by the September 30, 2023, deadline do not need to take further action.**

(Emphasis in original.) Information regarding the foregoing is also available [here](#).

#### Electric Program Investment Charge (EPIC) Program

The CEC hosted a two-day event joined by the IOUs (PG&E, SCE, and SDG&E) and clean energy leaders and entrepreneurs to discuss EPIC program goals and policy innovations. The symposium was held on October 3–4, 2023. The symposium agenda and additional information are available [here](#).

#### Electric Vehicle (EV) Infrastructure

##### *2023 National EV Infrastructure (NEVI) Program*

On October 9, 2023, the CEC announced that its joint annual NEVI Program plan had been approved by the Federal Highway Administration. The plan includes an additional \$81.7 million in funding available to install charging stations throughout the state. California is preparing to open its first competitive solicitation for NEVI funding, which includes over \$40 million to support 291 fast charging ports at 28 sites across six corridor projects. More information is available [here](#).

##### *Staff Proposal to Regulate EV Charging Infrastructure & Improve Reliability*

On October 9, 2023, the CEC hosted a workshop to discuss newly proposed regulations for EV charging infrastructure. (The draft Staff Report is available [here](#).) Pursuant to AB 2127 and AB 2061, the CEC is required to assess biennially the number of EV chargers necessary to support the state's EV adoption goals, and to develop uptime recordkeeping and reporting standards to track the reliability of EV infrastructure. As proposed in the draft Staff Report, CEC regulations would require EV charging network providers, charging station operators, and site hosts to report the number, utilization, and reliability of EV chargers in California. The regulatory language proposed by CEC staff is attached to the report as Appendix A, and the proposed regulations are summarized in Chapter 5. The proposed regulations would apply to all EV chargers except those used solely for private use at a single-family house or located at a

multifamily dwelling with four or fewer dwelling units, and would apply to chargers serving both light-duty and medium-duty and heavy-duty EVs.

#### *Upcoming Workshop on EV Supply Equipment (EVSE) Siting Tools*

On October 26, 2023, from 10:30 a.m. to 12:00 p.m. PT, the CEC will host a workshop to debut its EVSE Deployment and Grid Evaluation (EDGE) tool that will help users identify candidate locations for deploying new EV charging infrastructure and to help prioritize behind-the-meter equipment investments. More details and remote participation information is available [here](#).

#### SB 643 Implementation: Hydrogen Fueling Infrastructure

On October 16, 2023, CEC staff will hold staff [workshop](#) to solicit feedback on the 2023 Staff Report on Senate Bill 643 (SB 643): Clean Hydrogen Fuel Production and Refueling Infrastructure to Support Medium- and Heavy-Duty Fuel Cell Electric Vehicles and Off-Road Applications ([2023 SB 643 Staff Report](#)). According to the workshop notice, the intent of the workshop is to solicit feedback to help inform the 2023 Final Report on SB 643. Additional information is available in the workshop [notice](#).

#### AB 209: Draft Solicitation Concept re Distributed Hydrogen Production (Docket No. 22-ERDD-03)

The CEC is seeking comments on a [Draft Solicitation Concept](#). The Draft is focused on funding 1-5 metric ton distributed hydrogen production with onsite storage, and end use(s) projects. According to the CEC's notice, eligible projects "are specific to hydrogen derived from water using eligible renewable energy resources, as defined in Section 399.12 of the Public Utilities Code, or produced from these eligible renewable energy resources." Comment on the Draft Solicitation Concept are due by October 27, 2023 at 5 p.m. PT For additional information, please visit [Docket No. 22-ERDD-03](#).

#### Power Source Disclosure

On September 26, 2023, the CEC held a pre-rulemaking workshop to solicit feedback on proposed changes to the Power Source Disclosure program regulations. Written comments may be submitted to the CEC's Docket Unit by 5:00 p.m. PT on October 24, 2023. Additional information is available [here](#) and in the rulemaking docket, [Docket No. 21-OIR-01](#).

#### Distributed Electricity Backup Assets (DEBA) Program

The CEC has released the [First Edition of the Proposed DEBA Program Guidelines](#) required by AB 205. According to the CEC [Notice](#), the DEBA Program is intended "to provide incentives for constructing cleaner and more efficient distributed energy assets and efficiency upgrades, maintenance, and capacity additions to existing power generators that will serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events,

such as heat waves.” The CEC will [consider](#) adoption of the Proposed Guidelines at the upcoming October 18, 2023 business meeting.

#### CEC Business Meetings

The next business meeting will be held on October 18, 2023. The agenda and backup materials are available [here](#).

### **CALIFORNIA AIR RESOURCES BOARD (CARB)**

#### Meetings and Workshops

On October 17, 2023, CARB will host a community workgroup meeting to discuss the proposed 2022-2023 [Funding Plan for Clean Transportation Incentives](#). Registration for the meeting is available [here](#).

On October 18, 2023, CARB will hold a public training webinar on the new Advanced Clean Fleets regulation. Registration for the webinar is available [here](#).

On October 19, 2023, CARB will host a public information webinar on the 2022 amendments to the [In-Use Off-Road Diesel-Fueled Fleets Regulation](#). Registration and information on the webinar are available [here](#).

On October 20, 2023, a CARB Executive Officer hearing will be held on the proposed amendments to the [Heavy-Duty Engine and Vehicle Omnibus Regulation](#). Information on the hearing is available [here](#).

On October 20, 2023, [CALSTART](#) will hold a [Zero-Emission Truck Showcase and Ride & Drive](#) event at the North Island Credit Union Amphitheatre in Chula Vista, California, designed for fleet owners and operators to test drive zero-emission medium- and heavy-duty trucks and learn about zero-emission technologies, charging solutions, and incentives.

The next [Board meeting](#) will be held October 26, 2023. At the meeting, CARB will consider adoption of the Final Draft [Community Air Protection Program Blueprint 2.0](#). The full agenda is available [here](#).

On November 2, 2023, CARB, the California Transportation Commission, and the California Department of Housing and Community Development will conduct a [joint public meeting](#). The agenda will be available 10 days prior to the meeting.

#### Opportunities for Public Comment

In advance of the November 2, 2023 [joint public meeting](#) between CARB, the California Transportation Commission, and the California Department of Housing and Community Development, written comments may be submitted [here](#) on or before October 23, 2023.

On October 5, 2023, CARB held a [public workshop](#) on updates to the California Cap-and-Trade Program and Mandatory GHG Reporting Program. Comments on the workshop may be submitted to CARB [here](#) on or before October 26, 2023.

CARB is accepting comments on the proposed 2022-2023 [Funding Plan for Clean Transportation Incentives](#). Comments may be submitted to CARB [here](#) on or before November 6, 2023.

### **COLORADO PUBLIC UTILITIES COMMISSION (COLORADO PUC)**

The Colorado PUC will host its next Commissioners' weekly meeting on October 18, 2023 at 9:00 a.m. MT. The meeting, which will be held remotely, is available for online viewing [here](#). The agenda includes several energy- and transportation-related items for discussion and approval on the consent agenda. The full meeting agenda is available [here](#).

### **MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)**

On October 12, the MPUC met to address various topics, including a new suite of agreements facilitating power supply to a data center project proposed by Meta Platforms. The MPUC approved the agreements. News coverage can be found [here](#).

On October 17, 2023, the MPUC will meet to address two topics: specific action relating to high voltage transmission line permitting and measuring compliance with H.F. 7, the bill passed in 2023 that requires Minnesota utilities to utilize 100% carbon free generation by the year 2040. The full agenda can be found [here](#).

### **ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)**

On September 6, 2023, ERCOT posted Nodal Protocol Revision Request 1199 (NPRR 1199), which seeks to implement the revisions to the Long Star Infrastructure Protection Act (LSIPA) that were passed in Senate Bill 2013 (SB 2013) on June 9, 2023. SB 2013 revises the LSIPA to require business entities to report the purchase of any critical electric grid equipment or service from a company that is either (1) headquartered in China, Iran, North Korea, Russia, or a designated country, or (2) owned by (a) individuals who are citizens of these countries or (b) companies that are themselves owned by individuals or the government of these countries. SB 2013 also allows ERCOT to obtain criminal history records for individuals who seek employment at or access to the ERCOT systems that affect the security of the electric grid. SB 2013 requires business entities to report applicable purchases made within five years of the effective date to ERCOT.

NPRR 1199 revises Section 16.1.3 to reflect ERCOT's ability to immediately suspend or terminate a Market Participant's registration or access to any of ERCOT's systems if ERCOT has a reasonable suspicion that the entity is a prohibited entity, and adds a Section 16.1.4 to establish a reporting and attestation requirement for Critical Electric Grid Equipment and Critical Electric Grid Services procurements by Market Participants and entities that seek to register as Market Participants. NPRR 1199 also adds a number of definitions to accommodate the changes

to the LSIPA made in SB 2013. NPRR 1199 is currently pending and has been sent to the Protocol Revision Subcommittee for review.

### **FEDERAL ENERGY REGULATORY COMMISSION (FERC)**

On October 10, 2023, in [185 FERC ¶ 61,011](#), FERC issued an order addressing Midcontinent Independent System Operator, Inc. (MISO)'s proposed revisions to its Open Access Transmission, Energy and Operating Reserve Markets Tariff in compliance with the requirements of Order No. 2222 to address the participation of distributed energy resource aggregations. FERC found that MISO's proposal partially complies with Order No. 2222, and therefore accepted MISO's compliance filing, subject to a further compliance filing.

On October 6, 2023, in [185 FERC ¶ 61,013](#), FERC accepted subject to compliance proposed revisions filed by PJM Interconnection, L.L.C. (PJM) to Schedule 6A of its Open Access Transmission Tariff (Tariff) related to Black Start Units. FERC accepted with conditions PJM's proposal to establish a new category of black start resources, Fuel Assured Black Start Units, and to allow, among other resources, intermittent and hybrid resources, *i.e.*, wind, solar, hydro, energy storage, or distributed energy/demand resources with on-site generator resources, that meet certain qualifications to participate. FERC accepted, and ordered that PJM revise its Tariff on compliance to clarify that Demand Energy Resources (DERs) are eligible to qualify. FERC also accepted with conditions PJM's proposed qualification metrics for intermittent and hybrid resources. PJM will only rely on an intermittent or hybrid Fuel Assured Black Start Unit to provide the MW level of capacity that, based on the unit's historic operations, the unit is 90% certain to be able to sustain for 16 hours. FERC accepted this proposal, but ordered that PJM clarify on compliance that the 16 hours of operation per day (which need not be continuous) at a MW level that provides a confidence level of 90% based on an evaluation of the unit's historical operation over a representative period of time. Relatedly, FERC ordered PJM to clarify that the same qualification standard apply to DERs. FERC also accepted PJM's proposals related to compensation for Fuel Assured Black Start Units, as well as the performance standards and outage restrictions and testing and performance criteria for Fuel Assured Black Start Units.

On September 29, 2023, in [184 FERC ¶ 61,188](#), FERC accepted in part and rejected in part Arizona Public Service Company's proposed revisions to its Large Generator Interconnection Procedures, Large Generator Interconnection Agreement, Small Generator Interconnection Procedures, and Small Generator Interconnection Agreement. These revisions result in a transition to a first-ready, first-served cluster study process. The revisions also result in changes to the commercial readiness demonstration requirements, the interconnection customer's responsibilities during suspension, and the transitional studies, among others.

On August 31, 2023, FERC issued two orders addressing Midcontinent Independent System Operator, Inc.'s (MISO) treatment of Dispatchable Intermittent Resources (*e.g.*, dispatchable wind and solar resources) in its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff). In [184 FERC ¶ 61,137](#), FERC denied a complaint filed by Solar Energy Industries Association (SEIA), which alleged that the Tariff is unjust, unreasonable, and unduly discriminatory or preferential because it prohibits wind, solar, and battery hybrid

resources from providing ancillary services in the wholesale market. FERC found that SEIA failed to meet its burden under Federal Power Act Section 206. In [184 FERC ¶ 61,134](#), FERC accepted MISO's proposed revisions to its Tariff to make Dispatchable Intermittent Resources ineligible to provide the Up Ramp Capability and Down Ramp Capability products and to change the Down Ramp demand curve from \$5/MWh to \$0/MWh.