

Senate Bill No. 619

Passed the Senate September 13, 2023

Secretary of the Senate

Passed the Assembly September 7, 2023

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 25545 of, and to add Section 25545.14 to, the Public Resources Code, and to add Section 1003.7 to the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 619, Padilla. State Energy Resources Conservation and Development Commission: certification of facilities: electrical transmission projects.

(1) The California Environmental Quality Act (CEQA) requires preparation of specified documentation before a public agency approves or carries out certain projects. Existing law makes an environmental leadership development project, as defined, that meets specified requirements and is certified by the Governor eligible for streamlined procedures under CEQA. In particular, existing law requires the adoption of rules of court that expedite certain CEQA actions and proceedings related to an environmental leadership development project to resolve those actions and proceedings, to the extent feasible, within 270 days.

Existing law authorizes persons proposing eligible facilities, including electrical transmission lines carrying electricity from certain other facilities that are located in the state to a point of junction with any interconnected electrical transmission system, to file applications, on or before June 30, 2029, with the State Energy Resources Conservation and Development Commission (Energy Commission) to certify sites and related facilities as environmental leadership development projects, as specified. Existing law makes a site and related facility certified by the Energy Commission as an environmental leadership development project subject to streamlined procedures under CEQA with no further action by the applicant or the Governor. Under existing law, the Energy Commission's certification of sites and related facilities is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, for the use of the sites and related facilities, and supersedes any applicable statute, ordinance,

or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law, except as specified.

This bill would expand the facilities eligible to be certified as environmental leadership development projects by the Energy Commission to include electrical transmission projects. The bill would require an applicant applying for certification of an electrical transmission project to take certain actions, including, among other actions, to avoid or minimize significant environmental impacts in any disadvantaged community.

(2) Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations. Existing law prohibits an electrical corporation from beginning the construction of a line, plant, or system, or any extension of a line, plant, or system, without having first obtained from the PUC a certificate that the present or future public convenience and necessity require its construction. Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

The bill would authorize an electrical corporation that files an application with the PUC to authorize the new construction of any electrical transmission facility to simultaneously submit to the Energy Commission an application for certification of the facility as an environmental leadership development project, as specified. The bill would authorize the Energy Commission to recover the reasonable administrative costs incurred from evaluating an application, as specified. The bill would provide that the Energy Commission's certification of a facility proposed by an electrical corporation satisfies and replaces the PUC's obligations under CEQA with respect to that facility. The bill would prohibit the PUC from approving an application until after the Energy Commission has issued a decision on certification of the proposed facility. Because these provisions would be part of the Public Utilities Act and a violation of these requirements or a PUC action implementing these requirements would therefore be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 25545 of the Public Resources Code is amended to read:

25545. For purposes of this chapter, the following definitions apply:

(a) “California Native American tribe” has the same meaning as set forth in Section 21073.

(b) “Facility” means any of the following:

(1) A solar photovoltaic or terrestrial wind electrical generating powerplant with a generating capacity of 50 megawatts or more and any facilities appurtenant thereto.

(2) An energy storage system as defined in Section 2835 of the Public Utilities Code that is capable of storing 200 megawatthours or more of electricity.

(3) A stationary electrical generating powerplant using any source of thermal energy, with a generating capacity of 50 megawatts or more, excluding any powerplant that burns, uses, or relies on fossil or nuclear fuels.

(4) A discretionary project as described in Section 21080 for which the applicant has certified that a capital investment of at least two hundred fifty million dollars (\$250,000,000) will be made over a period of five years and the discretionary project is for (A) the manufacture, production, or assembly of an energy storage system or component manufacturing, wind system or component manufacturing, and solar photovoltaic energy system or component manufacturing, or (B) the manufacture, production, or assembly of specialized products, components, or systems that are integral to renewable energy or energy storage technologies.

(5) An electrical transmission line carrying electricity from a facility described in paragraph (1), (2), or (3) that is located in the state to a point of junction with any interconnected electrical transmission system.

(6) An electrical transmission project.

(c) “Site” means any location on which an eligible facility is constructed or is proposed to be constructed.

SEC. 2. Section 25545.14 is added to the Public Resources Code, to read:

25545.14. An applicant applying for certification of an electrical transmission project under this chapter shall do all of the following:

(a) Avoid or minimize significant environmental impacts in any disadvantaged community.

(b) If measures are required pursuant to Division 13 (commencing with Section 21000) to mitigate significant environmental impacts in a disadvantaged community, mitigate those impacts consistent with that division, including Section 21002. Mitigation measures required under this section shall be undertaken in, and directly benefit, the affected community.

(c) Enter into a binding and enforceable agreement to comply with this section before the commission's certification of the environmental impact report for the project.

SEC. 3. Section 1003.7 is added to the Public Utilities Code, to read:

1003.7. (a) (1) An electrical corporation that files an application for a certificate or a permit to construct authorizing the new construction of any electrical transmission facility, including transmission lines and substations that will be rated at 138 kilovolts or greater that are not subject to the provisions of Chapter 6 (commencing with Section 25500) of Division 15 of the Public Resources Code, may at the same time submit an application for that facility to the Energy Commission pursuant to Chapter 6.2 (commencing with Section 25545) of Division 15 of the Public Resources Code.

(2) For purposes of an application submitted to the Energy Commission pursuant to paragraph (1), the electrical transmission facility shall be considered a facility pursuant to subdivision (b) of Section 25545 of the Public Resources Code.

(3) When evaluating an application submitted to the Energy Commission pursuant to paragraph (1), the Energy Commission shall not consider the necessity for the electrical transmission facility. The Energy Commission may consider alternative substation locations or routing of transmission lines.

(4) The Energy Commission may recover from the electrical corporation the reasonable administrative costs incurred from evaluating an application submitted pursuant to paragraph (1).

(5) Notwithstanding subdivision (a) of Section 25545.1 of the Public Resources Code, an application to the Energy Commission may be filed no later than January 1, 2032.

(b) This section does not modify the commission's jurisdiction, including its jurisdiction over the issuance of a certificate of public convenience and necessity or permit to construct pursuant to this article for a facility that is proposed by an electrical corporation, except as follows:

(1) Certification by the Energy Commission of a facility described in subdivision (a) shall satisfy and replace the commission's obligations under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(2) The commission shall not issue a final decision approving a certificate or permit to construct until after the Energy Commission has issued a decision on certification of the proposed facility.

(c) Upon approval of the application for a certificate or permit to construct, the commission shall file the applicable notice pursuant to Section 21108 of the Public Resources Code on behalf of itself and the Energy Commission.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2023

Governor