

**REGULATORY UPDATE FOR MARCH 29 (WEEK OF MARCH 21, 2022)****CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC or COMMISSION)**New Proposed Decisions and Draft Resolutions<sup>1</sup>

None.

Voting Meetings

The Commission's next voting meeting will be held April 7, 2022. The agenda is scheduled to be published this week.

**CALIFORNIA ISO**Stakeholder Initiatives: Upcoming Meetings and Deadlines

**2021-2022 Transmission Planning Process.** The California ISO has posted the key selection factors for the solutions eligible for competitive solicitation recommended in the Board Approved 2021-2022 Transmission Plan.

**WEIM Resource Sufficiency Evaluation Enhancements Phase 1B.** The California ISO has scheduled a stakeholder call on April 1, 2022 to present analysis as part of the Western Energy Imbalance Market (WEIM) Resource Sufficiency Evaluation Enhancements (RSEE) Phase 1B initiative. Comments on the analysis and call discussion are due April 15, 2022.

**Distributed Generation Deliverability Assessment Results Posted.** The California ISO has posted distributed generation deliverability assessment results for the 2022 cycle. Eligible distributed generation facilities that are seeking an initial or increase in deliverability status must apply for deliverability status assignment by April 15, 2022 for interconnections to investor-owned utility systems.

**Energy Storage Enhancements.** The California ISO has posted the revised straw proposal for the Energy Storage Enhancements initiative. Comments on the revised straw proposal are due April 4, 2022.

**WEIM RSEE Phase 1 Initiative.** The California ISO held a stakeholder call on March 23, 2022 related to Resource Sufficiency Evaluation failures in emergency conditions as discussed in the WEIM RSEE Phase 1 initiative. Written comments on the call discussion are due April 1, 2022.

---

<sup>1</sup> Per CPUC 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.

**Interconnection Process Enhancements 2021.** The California ISO held a public stakeholder call on March 24, 2022 to discuss the draft final proposal for Phase 1: near-term enhancements for the Interconnection Process Enhancement 2021 initiative. Written comments on the revised straw proposal are due March 31, 2022.

## CALIFORNIA ENERGY COMMISSION (CEC)

### 2022 Integrated Energy Policy Report (IEPR) Update

On March 2, 2022, the CEC published a *Notice of Request for Public Comments on the Draft Scoping Order for the 2022 IEPR Update* (Notice), a copy of which is available on the 2022 IEPR [website](#). According to the Notice, the proposed scope of the 2022 IEPR Update addresses three major topics: (i) establishing a framework to center equity and environmental justice throughout CEC efforts; (ii) creating a California Planning Library; and (iii) addressing emerging topics. Details about each of the three proposed major topic areas are set forth in the Notice. The Notice also contains a *Proposed Schedule* for the 2022 IEPR Update, as follows:

- |  |                       |
|--|-----------------------|
| • Final Scoping Order Released                                     | April 2022            |
| • Public Workshops on Specific Topics                              | April – December 2022 |
| • Adopt order instituting informational proceeding for 2022 Update | April 2022            |
| • Release Draft 2022 IEPR Update                                   | October 2022          |
| • Release Final 2022 IEPR Update                                   | January 2023          |
| • Adopted 2022 IEPR Update   | February 2023         |

Written comments on the draft 2022 IEPR Scoping Order were due on March 22, 2022 to Docket No. 22-IEPR-01. Comments submitted to the Docketer are also available for public review [here](#).

### Research Idea Exchange - Docket No. 19-ERDD-01

CEC Staff will hold a public workshop on April 5, 2022 at 10:00 a.m. PT regarding opportunities to advance non-lithium-ion long-duration energy storage technologies through the Electric Program Investment Charge and recently announced federal infrastructure funding. Additional details regarding the April 5 workshop are available at TN# 242476 in [Docket No. 19-ERDD-01](#).

### Renewable Portfolio Standard (RPS)

RPS-certified facilities using more than one resource must report generation and fuel use data for calendar year 2021 to the CEC by April 1, 2022 as required by the RPS Eligibility Guidebook. All annual facility reports must be submitted using the RPS Online System on or before the applicable reporting deadline.

Access to the common carrier pipeline (CCP) report for 2021 is also available in the RPS Online System for the reporting of generation, contracts, delivery, and usage data for calendar

year 2021. This report is required to be submitted by specified facilities that received fuel from a CCP in the prior calendar year and are subject to the CCP reporting requirements in the RPS Eligibility Guidebook. Annual CCP reports for 2021 are also due on April 1, 2022.

#### Rulemaking Proceeding (Docket No. 21-OIR-02)

On February 24, 2022, the CEC published a Notice of Proposed Action regarding *Delegation of Geothermal Power Plant Siting Authority to Local Government Sections 1802, 1860 through 1870*. A public hearing has been scheduled for April 14, 2022. A copy of the Notice is available at TN# 241941 [here](#).

In support of the proposed rulemaking, the CEC also published an Initial Statement of Reasons in support of the rulemaking proceeding. According to the statement, the CEC proposes to adopt amendments to the relevant sections of the CEC's procedures to delegate its site certification authority over geothermal power plants to counties contained in the California Code of Regulations, title 20. The rulemaking is in response to the Governor's July 30, 2021 Emergency Proclamation and also supports the June 2021 decision by the CPUC to procure 11,500 MW of new electricity resources before 2026, with at least 1,000 MW coming from "firm resources with zero-onsite emissions" such as geothermal. According to the Notice, the CEC states that the existing regulations – adopted in the late 1970s – have never been used because they are overly burdensome and the CEC and counties have not been able to use the delegation authority afforded therein. According to the CEC, streamlining the regulations will help remove barriers to geothermal power plant certification. The Initial Statement of Reasons is TN# 241940 in [Docket No. 21-OIR-02](#).

#### Offshore Wind

On March 18, 2022, the California Coastal Commission submitted a Public Hearing Notice to [Docket No. 17-MISC-01](#) regarding the Bureau of Ocean Energy Management's Consistency Determination for leasing activities associated with future offshore wind development in the Humboldt Wind Energy Area in federal waters approximately 21 miles offshore of Eureka, California. The hearing is scheduled for April 7, 2022 at 9:00 a.m. PT and involves Coastal Development Permit Application No. CD-0001-22. According to the Notice, the Staff Report for the public hearing is available [here](#). Additional information regarding the April 7 hearing is available at TN# 242377 in [Docket No. 17-MISC-01](#).

At the March 9, 2022 CEC Business Meeting, the CEC approved a \$10.5 million grant for renovations at the Port of Humboldt Bay to support future offshore wind activities. According to the CEC's [news release](#), once completed, the new Humboldt Bay Offshore Wind Heavy Lift Marine Terminal will be capable of handling large heavy cargo vessels; offshore wind floating platform development, integration, and decommissioning; and various other maritime activities.

### CEC Business Meetings

The next monthly CEC Business Meeting is scheduled for April 13, 2022.

### **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD (SWRCB)**

The Statewide Advisory Committee on Cooling Water Intake Structures (SACCWIS) held a meeting on March 14, 2022 to discuss the [Draft 2022 Report of the Statewide Advisory Committee on Cooling Water Intake Structures](#). SACCWIS includes representatives from the CEC, CPUC, California Coastal Commission, California State Lands Commission, California Air Resources Board, California ISO, and SWRCB. A copy of the March 14 meeting agenda is available [here](#). Minutes from the March 14 meeting will be posted to the SACCWIS page when available.

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

#### Meetings and Workshops

On March 29, 2022, CARB will host a workshop on methane, dairies and livestock, and renewable natural gas in California, related to the state's requirement to reduce methane emissions at California dairy and livestock operations to 40% below 2013 levels by 2030. Information and a link to the virtual workshop is available [here](#).

On March 30, 2022, CARB will host a meeting of the AB 32 Environmental Justice Advisory Committee. Information and a link to the virtual meeting is available [here](#).

On April 1, 2022, CARB will host a meeting of the AB 617 Community Air Protection Program Consultation Group. Information on the meeting is available [here](#).

On April 7, 2022, CARB will have a joint meeting with the California Transportation Commission and the California Department of Housing and Community Development. Topics of the meeting include (1) state perspectives on housing and transportation, (2) state funding for coordinated housing and transportation, and (3) practitioner perspectives on regional transformation and partnership. The agenda for the meeting is available [here](#). The meeting will be held live in Rocklin, California, with participation available at teleconference locations in San Diego and San Luis Obispo, California and in Tucson, Arizona. A listen-only teleconference option is also available.

The next regular Board meeting will be held April 28, 2022. The agenda will be made available [here](#) 10 days prior to the meeting.

#### Opportunities for Public Comment

CARB is holding virtual public meetings and workshops as part of the AB 32 Scoping Plan Update, which will assess progress towards achieving the SB 32 target to decrease

statewide greenhouse gas emissions by 40% below 1990 levels by 2030 and to lay out a path to achieve carbon neutrality by 2045. On March 15, 2022, CARB held a workshop to present the initial results from modeling of (1) scenarios to illustrate the effectiveness of deployment of different technologies and clean energy to achieve required greenhouse gas reductions, and (2) various land management scenarios to develop targets for natural and working lands. Comments on the workshop can be submitted [here](#) on or before April 4, 2022.

### **MIDCONTINENT ISO (MISO)**

MISO's Planning Advisory Committee is considering enhancements to the Generator Replacement Process that will allow for a longer-term suspension study within a replacement request, whereas the current process only allows for a reliability assessment study for the gap period. In addition, the revisions would allow generators suspending operations to receive approval for their suspension on a faster timeline than the tariff currently provides. MISO anticipates seeking feedback on the draft tariff language by March 23, 2022, and intends to file with the Federal Energy Regulatory Commission (FERC) in May 2022.

#### **FERC Approves Revisions to MISO Generator Interconnection Procedures**

On March 14, 2022, FERC wholly accepted MISO's revisions to the generator interconnection procedures (GIP), proposed on December 15, 2021. MISO's current GIP involves a three-phase Definitive Planning Phase (DPP) process to study and review interconnection requests. Under the current procedures, MISO conducts one system impact study in each of the three DPP phases (i.e., a preliminary system impact study in DPP Phase I, a revised system impact study in DPP Phase II, and a final system impact study in DPP Phase III). The DPP process also involves a two-phase facilities study. The first portion of the facilities study estimates the cost to construct the generator interconnection facilities. The second phase of the facilities study estimates the cost and time required to build the necessary network upgrades that are identified in the final system impact study.

After the DPP process is complete, interconnection customers may proceed to negotiation and execution of a generator interconnection agreement (GIA) and related construction agreements. Under the procedures, the GIA negotiation period could not commence until all facilities studies were complete. In its filing, MISO proposed to revise this process to create two different "paths" that interconnection customers could follow during DPP Phase III: a Default Path and an Optional Path. The Default Path expedites the interconnection process, resulting in a GIP timeline of approximately 373 calendar days, compared to the 463 days for the Optional Path.

Under the Default Path, MISO will tender a draft GIA, together with any then-completed draft appendices within five business days after the issuance of the first portion of the facilities study and the final system impact study. The network upgrade portion of the facilities study would occur concurrently with GIA negotiation and execution. The Optional Path would allow customers to not negotiate and execute a GIA without having received the network upgrade facilities study. MISO also proposed certain ancillary timeline adjustments related to the unified

model building and review deadline and the time to complete the system impact studies in each DPP Phase. Additionally, the interconnection customer may now request that MISO begin the facilities study earlier in the study process, but in no event earlier than DPP Phase II. Lastly, MISO proposed to shorten the negotiation period for the GIA from 60 calendar days to 40 business days and require execution of the GIA by both the interconnection customer and transmission owner within 45 calendar days.

The new GIP apply to all interconnection requests in MISO's interconnection queue that have not started the final system impact study in DPP Phase III as of March 15, 2022.

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

#### **MPUC Agenda Meeting This Week**

The MPUC will have an agenda meeting on March 31, 2022 at 8:00 a.m. PT. During the meeting, the MPUC will make decisions in the following three matters: (1) Xcel Energy's 2020 property tax true-up report, 2018 incentive compensation report, and Department of Energy settlement payments; (2) Dakota Electric Association's pending Advanced Grid Infrastructure Rider; and (3) all electric utilities' transportation electrification plans.

### **OREGON PUBLIC UTILITY COMMISSION (OPUC) AND LEGISLATIVE UPDATES**

#### **OPUC Meetings This Week**

On March 29, 2022 at 9:30 a.m. PT, the OPUC is hosting a public meeting in Docket LC 77 related to PacifiCorp's 2021 Integrated Resource Plan. The agenda and dial-in details for the special meeting can be located [here](#).

On March 31, 2022 at 1:00 p.m. PT, the OPUC is hosting a staff workshop in Docket UM 2005 related to distribution system planning in Oregon. The agenda and dial-in details for the workshop can be located [here](#).

Later in the week on April 1, 2022 at 9:30 a.m. PT, the OPUC is hosting a workshop in Docket AR 631 related to the terms and conditions associated with standard contracts for qualifying facilities in Oregon. The agenda and dial-in details for the workshop can be located [here](#).

### **NEW JERSEY BOARD OF PUBLIC UTILITIES (BPU)**

On March 22, 2022, the BPU received 80 proposals from 13 companies or partnerships containing plans to upgrade New Jersey's electric grid to meet the transmission need created by the estimated 7.5 gigawatts of offshore wind expected to be added to the state's generation portfolio by 2035. This session was the first of four sessions that will review responses to a solicitation conducted by the BPU with PJM under FERC Order 1000's State Agreement Approach. The BPU says it will decide on whether to select any of the proposals by October.



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

On March 11, 2022, FERC accepted tariff revisions proposed by the NYISO that implement the NYTOs' federal right of first refusal to build an upgrade to its existing transmission facilities that are part of another developer's Order No. 1000 Public Policy Transmission Project. The order, available [here](#), demonstrates that competitive markets for transmission development, which was one of the goals of Order No. 1000, are still struggling to take hold.

On February 18, 2022, a divided (3-2) FERC issued two new policy statements regarding how it will evaluate natural gas pipeline project certifications and explicitly evaluate the impacts of the proposed projects' greenhouse gas (GHG) emissions in assessing a project's environmental impacts. First, in its [Updated Policy Statement on Certification of New Interstate Natural Gas Facilities](#), FERC expands upon the considerations that it has traditionally relied upon in determining whether to grant a certificate of public convenience and necessity under Section 7 of the Natural Gas Act to more closely scrutinize the impact of the proposed project's GHG emissions on global climate change. Second, in its [Interim GHG Policy Statement](#), FERC describes the analytical framework that it will use to evaluate the market, environmental, and public interest issues associated with new natural gas pipeline projects. Under its Interim GHG Policy Statement, FERC will presume, unless rebutted by the developer, that projects with estimated GHG emissions of at least 100,000 metric tons of carbon dioxide equivalent per year will have a significant impact on climate change and require FERC to conduct an environmental impact statement.

FERC's new policy statements take effect immediately and will apply to all pending and new pipeline projects. Public comments on the Interim GHG Policy Statement are due by April 4, 2022. Comments on the Updated Policy Statement on Certification of New Interstate Natural Gas Facilities are due by April 26, 2022.

The Senate Energy and Natural Resources Full Committee held a [hearing](#) on March 3, 2022 to review recent FERC actions relating to permitting construction and operation of interstate natural gas pipelines and other natural gas infrastructure projects. Senators Manchin, Barrasso, Lee, Lankford, and Cassidy voiced concern with the new policy statements while Senators King, Hirono, Cortez Masto, and Hickenlooper expressed support for FERC's actions.

On March 11, 2022, the U.S. Court of Appeals for the District of Columbia Circuit remanded to FERC for further environmental review a Kinder Morgan project to upgrade its Tennessee Gas Pipeline system in order to evaluate the downstream impacts of the project on GHG emissions. *Food & Water Watch & Berkshire Env't Action Team v. FERC*, No. 20-1132 (D.C. Cir. Mar. 11, 2022). This court's decision reinforces FERC's new policy imperative to more closely scrutinize the impact of proposed gas pipeline projects' GHG emissions on global climate change.

On March 18, 2022, a number of Republican-led states (including [Texas](#), [Louisiana](#), [et al.](#)) and fossil fuel groups filed for rehearing of FERC's GHG Policy Statements, arguing that FERC's new policy may put an end to the development of natural gas pipeline infrastructure going forward.

At its meeting on March 24, 2022, FERC decided to delay implementation of its new GHG Policy Statements, converting them into *draft* policy statements and inviting comments on the draft policy statements by April 25 and reply comments by May 25, 2022. [Order on Draft Policy Statements](#). As a result, the Commission's updated policy of assessing the impact of proposed natural gas project's GHG emissions on global climate change will only apply prospectively.