

Introduced by Senator PadillaFebruary 12, 2025

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 331, as introduced, 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 a person proposing an eligible facility, including an electrical transmission line 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 an application, on or before June 30, 2029, with the State Energy Resources Conservation and Development Commission (Energy Commission) to certify a site and related facility for purposes of specified environmental review procedures. Existing law deems a certified site and related facility an environmental leadership development project, as specified, and makes the site and related facility 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 pursuant to the provisions described above by the Energy Commission and deemed environmental leadership development projects to include electrical transmission projects. The bill would require an applicant applying for certification of an electrical transmission project to file an application on or before January 1, 2033, and 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 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 be a crime, the bill would impose a state-mandated local program.

(3) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

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

3 25545. For purposes of this chapter, the following definitions
4 apply:

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

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

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

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

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

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

28 (5) An ~~electric~~ *electrical* transmission line carrying electricity
29 from a facility described in paragraph (1), (2), or (3) that is located

1 in the state to a point of junction with any interconnected electrical
2 transmission system.

3 (6) *An electrical transmission project.*

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

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

8 25545.14. An applicant applying for certification of an
9 electrical transmission project under this chapter shall do all of the
10 following:

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

13 (b) If measures are required pursuant to the California
14 Environmental Quality Act (Division 13 (commencing with Section
15 21000)) to mitigate significant environmental impacts in a
16 disadvantaged community, mitigate those impacts consistent with
17 that act, including Section 21002. Mitigation measures required
18 under this section shall be undertaken in, and directly benefit, the
19 affected community.

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

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

25 1003.7. (a) (1) An electrical corporation that files an
26 application for a certificate or a permit to construct authorizing
27 the new construction of any electrical transmission facility,
28 including transmission lines and substations that will be rated at
29 138 kilovolts or greater that are not subject to the provisions of
30 Chapter 6 (commencing with Section 25500) of Division 15 of the
31 Public Resources Code, may at the same time submit an application
32 for that facility to the Energy Commission pursuant to Chapter 6.2
33 (commencing with Section 25545) of Division 15 of the Public
34 Resources Code.

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

39 (3) When evaluating an application submitted to the Energy
40 Commission pursuant to paragraph (1), the Energy Commission

1 shall not consider the necessity for the electrical transmission
2 facility. The Energy Commission may consider alternative
3 substation locations or routing of transmission lines.

4 (4) The Energy Commission may recover from the electrical
5 corporation the reasonable administrative costs incurred from
6 evaluating an application submitted pursuant to paragraph (1). Any
7 fees collected pursuant to this paragraph shall be deposited into
8 the Energy Facility License and Compliance Fund established
9 pursuant to Section 25806 of the Public Resources Code.

10 (5) Notwithstanding subdivision (a) of Section 25545.1 of the
11 Public Resources Code, an application to the Energy Commission
12 may be filed no later than January 1, 2033.

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

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

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

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

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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