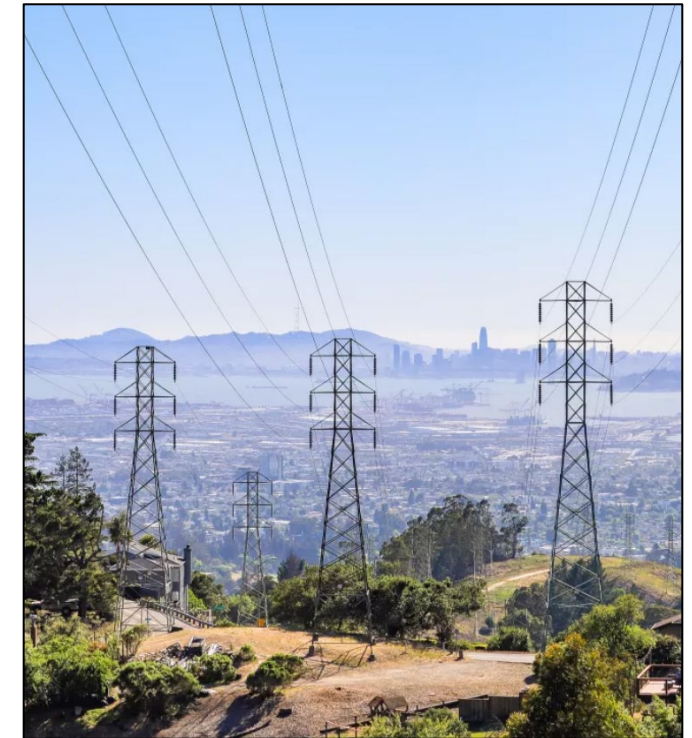


# General Order 131-D Update (R.23-05-018) Phase 2 Staff Proposal

## Workshop Presentation

June 3, 2024

California Public Utilities Commission (CPUC), Energy Division



California Public  
Utilities Commission

# Workshop Agenda

Time	Activity
1:00 p.m.	<b>Agenda Overview and Workshop Ground Rules (5 min)</b>
1:05 p.m.	<b>Welcome and Overview of Order Instituting Rulemaking</b> - Commissioner Karen Douglas (5 min)
1:10 p.m.	<b>Overview of R.23-05-018 Proceeding and Phase 2 Staff Proposal (10 min)</b>
1:20 p.m.	<b>Review Staff Proposal Section 3.1 – Clarify CPCN and PTC Exemptions</b> - Staff Overview of Section 3.1 (15 min) - Question and Answer (Q&A) (15 min)
1:50 p.m.	<b>Review Staff Proposal Section 3.2 – Update Reporting Requirements</b> - Staff Overview of Section 3.2 (5 min) - Q&A (10 min)
2:05 p.m.	<b>Review Staff Proposal Section 3.3 – Establish Rebuttable Presumption</b> - Staff Overview of Section 3.3 (5 min) - Q&A (15 min)
2:25 p.m.	<b>Review Staff Proposal Section 3.4 – Clarify Advice Letter Protest Process</b> - Staff Overview of Section 3.4 (5 min) - Q&A (10 min)
2:40 p.m.	<b>Break (10 min)</b>

Time	Activity
2:50 p.m.	<b>Review Staff Proposal Section 3.5 – Clarify Battery Storage Permitting</b> - Staff Overview of Section 3.5 (5 min) - Q&A (10 min)
3:05 p.m.	<b>Review Staff Proposal Section 3.6 – Facilitate ROW Sharing</b> - Staff Overview of Section 3.6 (5 min) - Q&A (10 min)
3:20 p.m.	<b>Review Staff Proposal Section 3.7 – Accelerate the Application Process</b> - Staff Overview of Section 3.7 (5 min) - Q&A (15 min)
3:40 p.m.	<b>Review Staff Proposal Section 3.8 – Accelerate CPUC CEQA Review</b> - Staff Overview of Section 3.8 (5 min) - Q&A (15 min)
4:00 p.m.	<b>Open Discussion and Q&amp;A (20 min)</b>
4:20 p.m.	<b>Next Steps (5 min)</b>
4:25 p.m.	<b>Closing (5 min)</b>

# Workshop Overview

## Purpose

- Present the R.23-05-018 Phase 2 staff proposal and answer questions to inform written party comments
  - *Comments are due in writing by July 1 (opening comments) and July 15 (reply comments)*

## Roles

- **Facilitator:** Tommy Alexander, CPUC Energy Division
- **Co-Facilitator:** Michelle Wilson, CPUC Energy Division

## Participation

- **Questions only:** Please refrain from making comments during this meeting. Instead, focus on asking clarifying questions. Any comments made today will not be entered into the record. Feel free to file formal written comments by the deadlines outlined in the May 17 ruling (i.e., July 1 and July 15).
- **Stay on topic:** Please save any questions for the relevant Q&A section.
- **Be brief:** Please be mindful of time and keep questions brief to allow maximum participation.

# Opening Remarks

- Commissioner Karen Douglas

# GO 131-D Overview

CPUC General Order (GO) 131-D includes:

- Rules for the permitting of electrical transmission and distribution lines, substations, and generation facilities
  - Certificate of public convenience and necessity (CPCN) criteria and process
  - Permit to construct (PTC) criteria and process
  - Tier 2 advice letter process for projects exempt from the PTC requirement
  - CPCN and PTC application requirements, including the Proponent's Environmental Assessment (PEA)
- Reporting requirements for electric public utilities
- Procedures for CPUC review of projects approved by the California Energy Commission (CEC)
- Protest and complaint procedures

# Proceeding Overview

Two phases of the R.23-05-018 proceeding:

- **Phase 1**
  - Initiated in response to Senate Bill (SB) 529 (Hertzberg, 2022)
  - Update GO 131-D by January 1, 2024
    - **D.23-12-035 adopted Dec. 14, 2023**
  - Meet the requirements of SB 529 and implement other minor changes
- **Phase 2**
  - Adopt a new GO 131-E version by January 31, 2025
  - Consider more extensive changes to provide a clearer, more efficient, and more consistent process

# Proceeding Schedule

- **December 2023** – Beginning of Phase 2 following Decision (D.)23-12-035
- **January to May 2024** – Comments on Phase 2 issues; develop staff proposal
- **May 2024** – Issuance of Phase 2 staff proposal
- **June 2024** – Workshop
- **July 2024** – Opening and reply comments on Phase 2 staff proposal
- **October 2024** – Proposed Decision (PD) circulated for comment
- **January 2025** – Phase 2 expected to be resolved by January 31, 2025

# Staff Proposal Overview

- **Section 1, Executive Summary**
- **Section 2, Introduction**
  - Overview of GO 131-D
  - Legislative and Procedural Background
  - Overview of California Environmental Quality Act (CEQA) Review Pursuant to GO 131-D
- **Section 3, Proposed Modifications to GO 131-D**
  - 22 proposals across 8 issue areas
- **Appendix A, Proposed Revisions to GO 131-D (Redlines)**
- **Appendix B, Proposed Revisions to GO 131-D (Clean)**
- **Appendix C, Selected Party Responses to R.23-05-018 Data Request 01**



# Staff Proposal Appendices A & B

- **Appendix A:**  
Redline version of  
GO 131-D detailing  
staff-recommended  
changes
- **Appendix B:**  
Clean version of  
proposed GO 131-E  
detailing staff-  
recommended  
changes

GENERAL ORDER NO. 131-~~DE~~  
(Supersedes General Order No. 131-~~ED~~)

PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA

RULES RELATING TO THE PLANNING AND CONSTRUCTION OF ELECTRIC  
GENERATION, TRANSMISSION/POWER/DISTRIBUTION LINE FACILITIES AND  
SUBSTATIONS LOCATED IN CALIFORNIA.

~~Adopted June 8, 1994. Effective July 8, 1994.~~

~~Decision 94-06-014~~

~~Modified August 11, 1995. Effective September 10, 1995.~~

~~Decision 95-08-038~~

~~Modified December 14, 2023. Effective December 14, 2023.~~

~~Decision 23-12-035~~

Adopted [DATE] by Decision [XX-XX-XXX]

# Staff Proposal Appendix C

- **R.23-05-018 Data Request 01**

- 11 questions on various Phase 2 issues (application filing, cost estimates, exemption applicability, non-wire alternatives, etc.)
- Sent Jan. 29, 2024, to investor-owned utilities (IOUs), participating transmission owners (PTOs), and other transmission developers and utilities
- Responses received March 8, 2024
- The data request and selected responses are appended to the staff proposal in Appendix C
- All other citations are available either in the [R.23-05-018 proceeding docket](#) or elsewhere on the internet

# Staff Proposal Categories

## Section 3, Proposed Modifications to GO 131-D

- 3.1** Clarify Applicability of CPCN and PTC Exemptions
- 3.2** Update Reporting Requirements
- 3.3** Establish Rebuttable Presumption in Favor of California Independent System Operator (CAISO) Transmission Plan
- 3.4** Clarify Advice Letter Protest Process
- 3.5** Clarify Permitting of Battery Storage Facilities
- 3.6** Facilitate Right-of-Way (ROW) Sharing Between Incumbent and Non-Incumbent Utilities
- 3.7** Accelerate the CPCN and PTC Application Process
- 3.8** Accelerate the CPUC CEQA Review Process

# Consideration of Settlement Agreement

- Joint Motion for Adoption of Phase 1 Settlement Agreement filed by Pacific Gas & Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDG&E) on behalf of settling parties on September 29, 2023
- Various parties submitted comments opposing and supporting portions of the settlement agreement
- The Commission did not adopt the settlement agreement in Phase 1, but some components were addressed in Phase 1 via D.23-12-035
  - Updating GO 131-D to comport with SB 529 requirements
  - Updating outdated references
- Settling parties have asked the Commission to consider the remaining components of the settlement agreement in Phase 2

# 3.1 – Clarify Applicability of CPCN and PTC Exemptions

Staff recommend the following proposals:

- **Proposal 1:** Define “Existing Electrical Transmission Facility”
- **Proposal 2, Option 1:** Define “Extension”, “Expansion”, “Upgrade”, and “Modification”
- **Proposal 3:** Define “Equivalent Facilities or Structures”
- **Proposal 4:** Define “Accessories”
  - *Define key terms used in Section III.A and elsewhere in GO 131-D to clarify which above-200-kilovolt (kV) electrical infrastructure projects qualify for the PTC process or an exemption pursuant to SB 529*

# 3.1 – Clarify Applicability of CPCN and PTC Exemptions

Staff recommend the following proposals:

- **Proposal 5, Option 1:** Clarify Applicability of PTC Exemption “g”
  - *Specify that a PTC is not required for power line or substation projects in “an existing [ROW] containing existing power line facilities or substations” and that the second clause of Section III.B.1.g applies to power lines and substations*
- **Proposal 6, Option 1:** Clarify Applicability of PTC Exemption “h”
  - *Establish an information-only submittal requirement pursuant to GO 96-B for electrical infrastructure projects that are categorically or statutorily exempt from CEQA, but which are currently exempted from the permitting and notice requirements of GO 131-D pursuant to Section III.B.1*

# Q&A – CPCN and PTC Exemptions

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
- **Stay on topic:** Please save any questions for the relevant Q&A section.
- **Be brief:** Please be mindful of time and keep questions brief.

## Online (Webex) Participants:

- Select “raise hand”

## Telephone Participants:

- Press \*3 to raise hand

## When Called Upon:

- Select “Unmute” (if participating online) or press \*6 (if participating via phone)
- State name and affiliation (if any)
- Ask question, wait for response, mute self, return to end of queue

## 3.2 – Update Reporting Requirements

Staff recommend the following proposals:

- **Proposal 1:** Update Section V to Reference Existing Practice of Quarterly Briefings
  - *Update the GO 131-D Section V reporting requirements to codify the existing practice of quarterly briefings with IOUs, and require a forecast of forthcoming applications*
- **Proposal 2:** Update Appendix A to Require Provision of Capital Costs and Other Financial Information
  - *Update the GO 131-D Section VI reporting requirements in Appendix A to include capital costs and other information for consistency with the Transmission Project Review (TPR) Process*



# Q&A – Reporting Requirements

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## 3.3 – Establish Rebuttable Presumption in Favor of CAISO Transmission Plan

Staff recommend the following proposal:

- **Proposal 1:** Establish Rebuttable Presumption for CAISO-Approved Projects Pursuant to AB 1373 (Garcia, 2023)
  - *Establish a rebuttable presumption in favor of CAISO transmission plan findings pursuant to AB 1373*

Staff do not recommend adoption of the following proposal:

- **Proposal 2:** Adopt Settling Parties' Proposal to Establish Rebuttable Presumption for CAISO-Approved Projects
  - *Establish a rebuttable presumption in favor of CAISO transmission plan findings pursuant to AB 1373, and adopt additional changes that would constrain the CPUC's CEQA alternatives analysis*

# Q&A – Rebuttable Presumption

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
- **Stay on topic:** Please save any questions for the relevant Q&A section.
- **Be brief:** Please be mindful of time and keep questions brief.

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## 3.4 – Clarify Advice Letter Protest Process

Staff recommend the following proposal:

- **Proposal 1:** Retain Executive Resolution Process and Clarify Appeal Process
  - *Establish a process for entities protesting an advice letter to request Commission review of the Executive Director's or Energy Division's disposition of an advice letter pursuant to GO 96-B*

Staff do not recommend adoption of the following proposal:

- **Proposal 2:** Retain Executive Resolution Process
  - *Retain the Executive Resolution process, as requested by settling parties, but do not provide a process for protestors to request Commission review of an advice letter disposition*

# Q&A – Advice Letter Protest Process

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
- **Stay on topic:** Please save any questions for the relevant Q&A section.
- **Be brief:** Please be mindful of time and keep questions brief.

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**Break (10 minutes)**

# 3.5 – Clarify Treatment of Battery Storage Facilities

Staff recommend the following proposals:

- **Proposal 1:** Clarify Permitting Process for Transmission Lines Connecting to Battery Energy Storage Systems
  - *Assert active permitting jurisdiction over a limited subset of battery energy storage systems that are proposed by an electric public utility as part of an extension of existing transmission facilities*
- **Proposal 2:** Clarify Permitting Process for Battery Energy Storage System Substation Upgrades
  - *Assert active permitting jurisdiction over a limited subset of battery energy storage systems that are proposed by an electric public utility as part of a substation upgrade or expansion*

# Q&A – Battery Storage

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
- **Stay on topic:** Please save any questions for the relevant Q&A section.
- **Be brief:** Please be mindful of time and keep questions brief.

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## 3.6 – Facilitate ROW Sharing Between Incumbent and Non-Incumbent Utilities

Staff recommend further consideration of the following proposal, whether in a third phase of the R.23-05-018 proceeding or in a separate proceeding:

- **Proposal 1:** Establish a ROW-Sharing Process for Incumbent and Non-Incumbent Utilities
  - *Encourage the further consideration of a Cal Advocates proposal to require ROW sharing agreements between incumbent and non-incumbent utilities for CAISO-approved projects*

# Q&A – ROW Sharing

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
- **Stay on topic:** Please save any questions for the relevant Q&A section.
- **Be brief:** Please be mindful of time and keep questions brief.

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# 3.7 – Accelerate the CPCN and PTC Application Process

Staff recommend the following proposals:

- **Proposal 1, Option 3:** Enable Applicant-Submitted Draft CEQA Documents
  - *Establish a new process to accept applicant-prepared draft versions of CEQA documents, creating an alternative application process in lieu of the current PEA requirement*
- **Proposal 2:** Consolidate Electric and Magnetic Field (EMF) Requirements
  - *Consolidate existing application requirements by deleting Section X and incorporating the EMF requirements into the list of other application requirements in Sections VIII and IX*
- **Proposal 3:** Require Pre-Filing Consultation
  - *Establish new requirement for applicants to initiate pre-filing with Energy Division staff prior to filing a CPCN or PTC application*

# Q&A – Accelerate the Application Process

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
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## 3.8 – Accelerate the CPUC CEQA Review Process

Staff recommend the following proposals:

- **Proposal 1:** Clarify Applicability of Existing CEQA Review Time Limits
  - *Modify Sections IX.B and XVI to reference the existing CEQA time limits and include guidance regarding which types of projects may be eligible for a 455-day or 270-day timeframe*
- **Proposal 2:** Establish a Pilot Program for Accelerated CEQA Review
  - *Establish a pilot program to evaluate criteria that could be used to accelerate CPUC CEQA review*

Staff do not recommend adoption of the following proposals:

- **Proposal 3:** Establish 270-Day Deadline for CPUC CEQA Review
  - *Settling party proposal to require 270-day CEQA review for all CPCN and PTC projects, even environmental impact reports (EIRs)*
- **Proposal 4:** Prioritize Policy-Driven CAISO Transmission Plan Projects
  - *Cal Advocates proposal to establish a new process to prioritize policy-driven CAISO projects*

# Q&A – Accelerate CPUC CEQA Review

## Instruction:

- **Questions only:** Please hold any comments and submit them in writing by the deadlines listed in the May 17 ruling issuing the staff proposal (i.e., July 1 and July 15).
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**Questions?**

# Next Steps

- Opening comments on staff proposal by **July 1, 2024**
- Reply comments on staff proposal by **July 15, 2024**
- Proposed decision (PD) by **October 13, 2024**
- Phase 2 resolved by **January 31, 2025**



# Thank you!

## Resources

**Proceeding webpage:**

<https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/permitting-and-environmental-review/general-order-131-d-update>

**Proceeding docket:**

[https://apps.cpuc.ca.gov/apex/f?p=401:56:::RP,57,RIR:P5\\_PROCEEDING\\_SELECT:R2305018](https://apps.cpuc.ca.gov/apex/f?p=401:56:::RP,57,RIR:P5_PROCEEDING_SELECT:R2305018)

