



June 30, 2023

The Honorable Steven Bradford, Chair
Senate Energy, Utilities and Communications Committee
1021 O Street, Room 3350
Sacramento, CA 95814

RE: Assembly Bill 1533 (Committee) — SUPPORT, RECOMMENDING STRENGTHENING AMENDMENTS

Dear Chair Bradford,

The American Clean Power Association (ACP), California Wind Energy Association (CalWEA), Independent Energy Producers Association (IEP), Large-scale Solar Association (LSA), and the Solar Energy Industries Association (SEIA) write to express our support for AB 1533 (Committee) but strongly encourage a more meaningful approach to expediting transmission approvals.

Our organizations recognize and appreciate the good intentions behind AB 1533 in seeking to accelerate the permitting approvals necessary to enable the construction of new transmission capacity. However, AB 1533 would require only that the CPUC establish a “rebuttable presumption” in its Certificate of Public Convenience and Necessity (CPCN) proceeding in favor of the need for new transmission that has been determined to be needed by the CAISO. This bill would not ensure meaningful acceleration of the current process because creating a rebuttable presumption would not definitively establish such a presumption (a challenge to the presumption could be made and granted) and thus duplicative review could be perpetuated. A need-determination process at the CPUC can add three years onto a project timeline and has rarely, if ever, resulted in a CPUC finding that a CAISO-approved project was not needed.¹ Moreover, the language does not clarify that consideration of a non-project alternative is not needed.

Reforms of marginal value will not meaningfully accelerate California’s ability to build needed transmission infrastructure at the pace and scale required to meet California’s climate goals. Therefore, our organizations recommend that the bill be strengthened in one of two ways:

¹ A January 2023 Clean Air Task Force study, “Transmission Development in California – What’s the Slowdown?” (available [here](#)) showed that, of 13 projects approved in CAISO’s Transmission Plans between 2012 and 2019, five have made it to the CPUC’s CPCN need-determination stage. On average, that stage has taken as much as three years, and the CPUC confirmed the need in all five cases. (Note that the CATF’s chart, on page 8, shows distinct bars for the CPCN timeline; however, the CPCN timeline extends into the environmental permitting review period and thus is lengthier than indicated.)

- (1) The bill could simply eliminate the duplicative process to determine the need for transmission,² if the CAISO finds that the transmission is needed to effectuate the SB-100-driven resource portfolios voted out by the Commission to support the CAISO's transmission planning process. This approach would recognize that CAISO now bases its transmission planning process directly on the CPUC's Commission-approved resource portfolio that is developed after consideration, in conjunction with the Energy Commission, of land-use issues and load forecasts (including demand-side reductions).
- (2) Alternatively, though inferior to eliminating duplicative review, the rebuttable presumption language could be strengthened by requiring the Commission to establish a rebuttable presumption that will withstand scrutiny unless rebutted by clear and convincing evidence regarding the need for the proposed transmission.

In either case, and also under the current bill, the language should make clear that the CPUC need not consider non-transmission project alternatives (required under P.U. Code Section 1003.2), which has already been accomplished in the CPUC's preparation of resource portfolios.

Minor modifications to the status quo will not allow California to build infrastructure at the necessary pace and scale required to meet California's climate goals. While AB 1533 represents a small step in the right direction, we can do better to ensure that our collective climate and energy targets will be met. It is for these reasons that we respectfully support this bill, but strongly encourage strengthening amendments.

Should you have any questions regarding our position, please feel free to contact Nancy Rader at 510-919-6358.

Sincerely,

Alex Jackson, Director, California State Affairs American Clean Power Association

Nancy Rader, Executive Director California Wind Energy Association

Jan Smutny-Jones, CEO & General Counsel Independent Energy Producers Association

Shannon Eddy, Executive Director Large-Scale Solar Association

Rick Umoff, Senior Director and Counsel, Solar Energy Industries Association

cc: Members and Staff, Senate Energy, Utilities and Communications Committee
The Honorable Senator Brian Dahle
The Honorable Assembly Member Eduardo Garcia

² The CPCN proceeding is separate from the CEQA environmental review process, which considers the routing of the CAISO's transmission solution.