

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TO APPROVE THE SUBMISSION OF A REQUEST BY THE COMMUNITY ENERGY DEPARTMENT TO THE CALIFORNIA ENERGY COMMISSION FOR AN EXTENSION OF TIME OF A REGULATORY REQUIREMENT OBLIGATING SAN JOSE CLEAN ENERGY TO UPLOAD ITS RATES DATA INTO A STATEWIDE DATABASE

WHEREAS, on August 8, 2017, the Council of the City of San José (“City”) approved an ordinance establishing San José Clean Energy (“SJCE”), a community choice aggregation program, and amending Title 26 of the San José Municipal Code (“Code”) to create the Community Energy Department (“Department”) to administer and manage the program; and

WHEREAS, the California Energy Commission (“CEC”) is the state agency charged with establishing standards for load management, which is a general term used to describe activities to encourage customers to use electricity during times when clean energy is available, such as during the day when solar is plentiful, and avoid using energy during times when fossil fuel plants are needed to meet higher demand, such as in the late afternoon; and

WHEREAS, on January 25, 2023, the CEC adopted amendments to its Load Management Standards, which included a requirement that large community choice aggregators, such as SJCE, upload their existing time-dependent rates to a statewide CEC database by July 1, 2023; and

WHEREAS, the CEC has not yet provided its final requirements for the data upload format; and

WHEREAS, the Department must submit a request to the CEC for more time to upload all of the required data due to the lack of clear requirements and the short timeline between the adoption of the amended rules in January and final data upload due in July; and

WHEREAS, Section 1623.1 of Title 20 of the California Code of Regulations (“20 CCR Section 1623.1”) requires that the rate approving body of a community choice aggregator approve the data upload extension request if it can demonstrate specific findings; and

WHEREAS, the Department determined that the requirement to upload existing time-dependent rates to the database by July 1, 2023 would cause extreme hardship and is technologically infeasible because the requirements for data upload are still in development by the CEC; and the Department cannot justify developing systems to upload and maintain data until the database is in a stable state; and

WHEREAS, staff recommends that the City Council approve the request to the CEC for a data upload extension pursuant to 20 CCR Section 1623.1;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Community Energy Department may submit a request to the California Energy Commission for an extension of time of a regulatory requirement by San José Clean Energy to upload its rates data into a statewide database because compliance with the requirement to upload existing time-dependent rates to the database by July 1, 2023 would cause extreme hardship and is technologically infeasible because the requirements for data upload are still in development by the CEC; and the Department

cannot justify developing systems to upload and maintain data until the database is in a stable state.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk