

Introduced by Senator Peace

December 15, 1998

An act to amend Section 66645 of the Government Code, and to amend Sections 25519, 25520, 25520.5, 25522, 25524.5, 25528, 25531, 25540, 25540.1, and 25540.4 of, and to repeal Sections 25502, 25502.3, 25503, 25504, 25504.5, 25505, 25506, 25506.5, 25507, 25508, 25509, 25509.5, 25510, 25511, 25512, 25512.5, 25513, 25513.3, 25514, 25514.3, 25514.5, 25515, 25516, 25516.1, 25516.5, 25516.6, and 30413 of, the Public Resources Code, relating to energy conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as introduced, Peace. Energy conservation: power facility and site certification: notice of intention.

Existing law, the Warren-Alquist State Energy Resources Conservation and Development Act, requires the State Energy Resources Conservation and Development Commission to certify sufficient sites and related facilities that are required to provide a supply of electric power sufficient to accommodate projected demand for electric power statewide, and prescribes procedures for the certification of a person proposing to construct a power facility, as specified. The act, among other things, requires each person proposing to construct a thermal powerplant or electric transmission line on a site to submit to the commission a notice to file an application for the certification of the site and related facility or facilities. The act requires the notice of intention to file an application to contain specified information relating to the



proposed facility, and prescribes procedures for the content and review of a notice of intention to file an application.

This bill would eliminate those provisions requiring the submission of the notice of intention to file an application for the certification of a power facility to the commission, and the provisions prescribing procedures for the content and review of a notice, as specified. The bill would also make various related conforming changes.

Existing law requires the San Francisco Bay Conservation and Development Commission to analyze each notice of intention to file an application for certification of a site and related facilities within the Suisun Marsh or the area of jurisdiction of the commission, and to forward to the State Energy and Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice.

This bill would delete those provisions requiring the San Francisco Bay Conservation and Development Commission to analyze each notice, and report to the State Energy Resources Conservation and Development Commission.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 66645 of the Government Code
2 is amended to read:
3 66645. (a) In addition to ~~the provisions of~~ Sections
4 25302, 25500, ~~25507, 25508, 25514, 25516.1,~~ 25519, 25523,
5 and 25526 of the Public Resources Code, ~~the provisions of~~
6 this section ~~shall apply~~ *applies* to the commission and the
7 State Energy Resources Conservation and Development
8 Commission with respect to matters within the statutory
9 responsibility of the latter.
10 (b) After one or more public hearings, ~~and prior to~~
11 ~~January 1, 1979,~~ the commission shall designate those
12 specific locations within the Suisun Marsh, as defined in
13 Section 29101 of the Public Resources Code, or the area
14 of jurisdiction of the commission, where the location of a
15 facility, as defined in Section 25110 of the Public

1 Resources Code, would be inconsistent with this title or
2 Division 19 (commencing with Section 29000) of the
3 Public Resources Code. The following locations,
4 however, shall not be so designated: (1) any property of
5 a utility that is used for such a facility or will be used for
6 the reasonable expansion thereof; ~~(2) any site for which~~
7 ~~a notice of intention to file an application for certification~~
8 ~~has been filed pursuant to Section 25502 of the Public~~
9 ~~Resources Code prior to January 1, 1978, and is~~
10 ~~subsequently approved pursuant to Section 22516 of the~~
11 ~~Public Resources Code; and (3) and (2) the area east of~~
12 Collinsville Road that is designated for water-related
13 industrial use on the Suisun Marsh Protection Plan Map.
14 Each designation made pursuant to this section shall
15 include a description of the boundaries of those locations,
16 the provisions of this title or Division 19 (commencing
17 with Section 29000) of the Public Resources Code with
18 which they would be inconsistent, and detailed findings
19 concerning the significant adverse impacts that would
20 result from development of a facility in the designated
21 area. The commission shall consider the conclusions, if
22 any, reached by the State Energy Resources
23 Conservation and Development Commission in its most
24 recently promulgated comprehensive report issued
25 pursuant to Section 25309 of the Public Resources Code.
26 The commission also shall request the assistance of the
27 State Energy Resources Conservation and Development
28 Commission in carrying out the requirements of this
29 section. The commission shall transmit a copy of its report
30 prepared pursuant to this subdivision to the State Energy
31 Resources Conservation and Development Commission.

32 (c) The commission shall revise and update the
33 designations specified in subdivision (b) not less than
34 once every five years. ~~The provisions of subdivision (b)~~
35 ~~shall not apply to any sites and related facilities specified~~
36 ~~in any notice of intention to file an application for~~
37 ~~certification filed pursuant to Section 25502 of the Public~~
38 ~~Resources Code prior to designation of additional~~
39 ~~locations made by the commission pursuant to this~~
40 ~~subdivision.~~

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to ~~the provisions of Chapter 6 (commencing with Section 25500) of Division 15 of the Public Resources Code with~~ respect to any thermal powerplant or transmission line to be located, in whole or in part, within the Suisun Marsh or the area of jurisdiction of the commission, the commission shall participate in those proceedings ~~and shall receive from the State Energy Resources Conservation and Development Commission any notice of intention to file an application for certification of a site and related facilities within the Suisun Marsh or the area of jurisdiction of the commission. The commission shall analyze each notice of intention and, prior to commencement of the hearings conducted pursuant to Section 25513 of the Public Resources Code, shall forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report shall contain a consideration of, and findings regarding, the following:~~

(1) ~~If it is to be located within the Suisun Marsh, the consistency of the proposed site and related facilities, with the provisions of this title and Division 19 (commencing with Section 29000) of the Public Resources Code, the policies of the Suisun Marsh Protection Plan (as defined in Section 29113 of the Public Resources Code) and the certified local protection program (as defined in Section 29111 of the Public Resources Code) if any.~~

(2) ~~If it is to be located within the area of jurisdiction of the commission, the consistency of the proposed site and related facilities with the provisions of this title and the San Francisco Bay Plan.~~

(3) ~~The degree to which the proposed site and related facilities could reasonably be modified so as to be consistent with this title, Division 19 (commencing with~~

~~Section 29000) of the Public Resources Code, the Suisun Marsh Protection Plan, or the San Francisco Bay Plan.~~

~~(4) Such other matters as the commission deems appropriate and necessary to carry out Division 19 (commencing with Section 29000) of the Public Resources Code.~~

SEC. 2. Section 25502 of the Public Resources Code is repealed.

~~25502. Each person proposing to construct a thermal powerplant or electric transmission line on a site shall submit to the commission a notice of intention to file an application for the certification of the site and related facility or facilities. The notice shall be an attempt primarily to determine the suitability of the proposed sites to accommodate the facilities and to determine the general conformity of the proposed sites and related facilities with standards of the commission and assessments of need adopted pursuant to Sections 25305 to 25308, inclusive. The notice shall be in the form prescribed by the commission and shall be supported by such information as the commission may require.~~

~~Any site and related facility once found to be acceptable pursuant to Section 25516 is, and shall continue to be, eligible for consideration in an application for certification without further proceedings required for a notice under this chapter.~~

SEC. 3. Section 25502.3 of the Public Resources Code is repealed.

~~25502.3. Except as provided in Section 25501.7, any person proposing to construct a facility excluded from the provisions of this chapter may waive such exclusion by submitting to the commission a notice of intention to file an application for certification, and any and all of the provisions of this chapter shall apply to the construction of such facility.~~

SEC. 4. Section 25503 of the Public Resources Code is repealed.

~~25503. Each notice of intention to file an application shall contain at least three alternative sites and related facilities, at least one of which shall not be located in~~

~~1 whole or in part in the coastal zone. In addition, the~~
~~2 alternative sites and related electrical facilities may be~~
~~3 proposed from an inventory of sites which have~~
~~4 previously been approved by the commission in a notice~~
~~5 of intent or may be proposed from sites previously~~
~~6 examined.~~

7 SEC. 5. Section 25504 of the Public Resources Code is
8 repealed.

9 ~~25504. The notice of intention shall include a~~
10 ~~statement by the applicant describing the location of the~~
11 ~~proposed sites by section or sections, range and township,~~
12 ~~and county; a summary of the proposed design criteria of~~
13 ~~the facilities; the type or types of fuels to be used; the~~
14 ~~methods of construction and operation; the proposed~~
15 ~~location of facilities and structures on each site; a~~
16 ~~preliminary statement of the relative economic,~~
17 ~~technological, and environmental advantages and~~
18 ~~disadvantages of the alternative site and related facility~~
19 ~~proposals; a statement of need for the facility and~~
20 ~~information showing the compatibility of the proposals~~
21 ~~with the most recent electricity report issued pursuant to~~
22 ~~Section 25308; and any other information that an electric~~
23 ~~utility deems desirable to submit to the commission.~~

24 SEC. 6. Section 25504.5 of the Public Resources Code
25 is repealed.

26 ~~25504.5. An applicant may, in the notice, propose a~~
27 ~~site to be approved which will accommodate a potential~~
28 ~~maximum electric generating capacity in excess of the~~
29 ~~capacity being proposed for the initial approval of the~~
30 ~~commission. If such a proposal is made, the notice shall~~
31 ~~include, but not be limited to, in addition to the~~
32 ~~information specified in Section 25504, all of the~~
33 ~~following:~~

34 ~~(a) The number, type, and energy source of electric~~
35 ~~generating units which the site is proposed ultimately to~~
36 ~~accommodate and the maximum generating capacity for~~
37 ~~each unit.~~

38 ~~(b) The projected installation schedule for each unit.~~

39 ~~(c) The impact at the site when fully developed, on the~~
40 ~~environment and public health and safety.~~

1 ~~(d) The amount and sources of cooling water needed~~
2 ~~at the fully developed site.~~

3 ~~(e) The location and specifications of auxiliary~~
4 ~~facilities planned for each state of development~~
5 ~~including, but not limited to, pipelines, waste storage~~
6 ~~facilities, fuel storage facilities, switchyards, coolant lines,~~
7 ~~coolant outfalls, and cooling ponds, lakes, or towers.~~

8 SEC. 7. Section 25505 of the Public Resources Code is
9 repealed.

10 ~~25505. Upon receipt of a notice, the commission shall~~
11 ~~cause a summary of the notice to be published in a~~
12 ~~newspaper of general circulation in each county in which~~
13 ~~the sites and related facilities, or any part thereof,~~
14 ~~designated in the notice are proposed to be located. The~~
15 ~~commission shall also transmit a copy of the notice to the~~
16 ~~Public Utilities Commission, for sites and related facilities~~
17 ~~requiring a certificate of public convenience and~~
18 ~~necessity, and to other federal, state, regional, and local~~
19 ~~agencies having an interest in matters pertinent to the~~
20 ~~proposed facilities at any of the alternative sites. A copy~~
21 ~~of the notice shall also be transmitted to the Attorney~~
22 ~~General.~~

23 SEC. 8. Section 25506 of the Public Resources Code is
24 repealed.

25 ~~25506. The commission shall request the appropriate~~
26 ~~local, regional, state, and federal agencies to make~~
27 ~~comments and recommendations regarding the design,~~
28 ~~operation, and location of the facilities designated in the~~
29 ~~notice, in relation to environmental quality, public health~~
30 ~~and safety, and other factors on which they may have~~
31 ~~expertise.~~

32 SEC. 9. Section 25506.5 of the Public Resources Code
33 is repealed.

34 ~~25506.5. The commission shall request the Public~~
35 ~~Utilities Commission, for sites and related facilities~~
36 ~~requiring a certificate of public convenience and~~
37 ~~necessity, to make comments and recommendations~~
38 ~~regarding the design, operation, and location of the~~
39 ~~facilities designated in the notice in relation to the~~

1 ~~economic, financial, rate, system reliability, and service~~
2 ~~implications of the proposed facilities.~~

3 SEC. 10. Section 25507 of the Public Resources Code
4 is repealed.

5 ~~25507. (a) If any alternative site and related facility~~
6 ~~proposed in the notice is proposed to be located, in whole~~
7 ~~or in part, within the coastal zone, the commission shall~~
8 ~~transmit a copy of the notice to the California Coastal~~
9 ~~Commission. The California Coastal Commission shall~~
10 ~~analyze the notice and prepare the report and findings~~
11 ~~prescribed by subdivision (d) of Section 30413 prior to~~
12 ~~commencement of hearings pursuant to Section 25513.~~

13 ~~(b) If any alternative site and related facility proposed~~
14 ~~in the notice is proposed to be located, in whole or in part,~~
15 ~~within the Suisun Marsh, or within the jurisdiction of the~~
16 ~~San Francisco Bay Conservation and Development~~
17 ~~Commission, the commission shall transmit a copy of the~~
18 ~~notice to the San Francisco Bay Conservation and~~
19 ~~Development Commission. The San Francisco Bay~~
20 ~~Conservation and Development Commission shall~~
21 ~~analyze the notice and prepare the report and findings~~
22 ~~prescribed by subdivision (d) of Section 66645 of the~~
23 ~~Government Code prior to commencement of hearings~~
24 ~~pursuant to Section 25513.~~

25 SEC. 11. Section 25508 of the Public Resources Code
26 is repealed.

27 ~~25508. The commission shall cooperate with, and~~
28 ~~render advice to, the California Coastal Commission and~~
29 ~~the San Francisco Bay Conservation and Development~~
30 ~~Commission in studying applications for any site and~~
31 ~~related facility proposed to be located, in whole or in part,~~
32 ~~within the coastal zone, the Suisun Marsh, or the~~
33 ~~jurisdiction of the San Francisco Bay Conservation and~~
34 ~~Development Commission if requested by the California~~
35 ~~Coastal Commission or the San Francisco Bay~~
36 ~~Conservation and Development Commission, as the case~~
37 ~~may be. The California Coastal Commission or the San~~
38 ~~Francisco Bay Conservation and Development~~
39 ~~Commission, as the case may be, may participate in public~~
40 ~~hearings on the notice and on the application for site and~~

1 ~~related facility certification as an interested party in such~~
2 ~~proceedings.~~

3 SEC. 12. Section 25509 of the Public Resources Code
4 is repealed.

5 ~~25509. Within 45 days of the filing of the notice, the~~
6 ~~commission shall conduct public informational~~
7 ~~presentations in the county or counties in which the~~
8 ~~proposed sites and related facilities are located. The place~~
9 ~~of such public informational presentations shall be as~~
10 ~~close as practicable to the proposed sites. Such~~
11 ~~presentations shall be for the purpose of setting forth the~~
12 ~~electrical demand basis for the proposed site and related~~
13 ~~facility and providing knowledge and understanding of~~
14 ~~the proposed facilities and sites.~~

15 SEC. 13. Section 25509.5 of the Public Resources Code
16 is repealed.

17 ~~25509.5. No sooner than 15 days after the conclusion~~
18 ~~of the presentations pursuant to Section 25509, the~~
19 ~~commission shall commence nonadjudicatory hearings.~~
20 ~~Such hearings shall identify issues for adjudication in~~
21 ~~hearings pursuant to Section 25513, issues which may be~~
22 ~~eliminated from further consideration in the notice~~
23 ~~proceedings, and issues which should be deferred to the~~
24 ~~certification proceeding. Any person may participate to~~
25 ~~the extent deemed reasonable and relevant by the~~
26 ~~presiding member of the commission in any such hearing.~~
27 ~~In scheduling such hearings the presiding member shall~~
28 ~~confer with the public adviser to provide that the hearing~~
29 ~~dates and locations are as convenient as possible for~~
30 ~~interested parties and the public. Such hearings shall be~~
31 ~~conducted in order to accomplish all of the following~~
32 ~~purposes:~~

33 ~~(a) To set forth the electrical demand basis for the~~
34 ~~proposed site and related facility.~~

35 ~~(b) To provide knowledge and understanding of~~
36 ~~proposed facilities and sites.~~

37 ~~(c) To obtain the views and comments of the public,~~
38 ~~parties, and concerned governmental agencies on the~~
39 ~~environmental, public health and safety, economic,~~

1 ~~social, and land use impacts of the facility at the proposed~~
2 ~~sites.~~

3 ~~(d) To solicit information regarding reasonable~~
4 ~~alternative sources of the electric generating capacity or~~
5 ~~energy to be provided by alternative sites and related~~
6 ~~facilities, or combinations thereof, which will better carry~~
7 ~~out the policies and objectives of this division.~~

8 SEC. 14. Section 25510 of the Public Resources Code
9 is repealed.

10 ~~25510. After the conclusion of such hearings, and no~~
11 ~~later than 150 days after filing of the notice, the~~
12 ~~commission shall prepare and make public a summary~~
13 ~~and hearing order on the notice of intention to file an~~
14 ~~application. The commission may include within the~~
15 ~~summary and hearing order any other alternatives~~
16 ~~proposed by the commission or presented to the~~
17 ~~commission at a public hearing prior to preparation of the~~
18 ~~summary and hearing order. The summary and hearing~~
19 ~~order shall be published and made available to the public~~
20 ~~and to interested local, regional, state, and federal~~
21 ~~agencies.~~

22 SEC. 15. Section 25511 of the Public Resources Code
23 is repealed.

24 ~~25511. The commission shall review the factors~~
25 ~~related to safety and reliability of the facilities at each of~~
26 ~~the alternative sites designated in the notice. In addition~~
27 ~~to other information requested of the applicant, the~~
28 ~~commission shall, in determining the appropriateness of~~
29 ~~sites and related facilities, require detailed information~~
30 ~~on proposed emergency systems and safety precautions,~~
31 ~~plans for transport, handling and storage of wastes and~~
32 ~~fuels, proposed methods to prevent illegal diversion of~~
33 ~~nuclear fuels, special design features to account for~~
34 ~~seismic and other potential hazards, proposed methods to~~
35 ~~control density of population in areas surrounding~~
36 ~~nuclear powerplants, and such other information as the~~
37 ~~commission may determine to be relevant to the~~
38 ~~reliability and safety of the facility at the proposed sites.~~
39 ~~The commission shall analyze the information provided~~
40 ~~by the applicant, supplementing it, where necessary, by~~

1 ~~onsite investigations and other studies. The commission~~
2 ~~shall determine the adequacy of measures proposed by~~
3 ~~the applicant to protect public health and safety, and shall~~
4 ~~include its findings in the final report required by Section~~
5 ~~25514.~~

6 SEC. 16. Section 25512 of the Public Resources Code
7 is repealed.

8 ~~25512. The summary and hearing order shall be based~~
9 ~~upon the record of the proceeding including statements~~
10 ~~or documents presented during any hearing or~~
11 ~~informational presentation on the notice, the comments~~
12 ~~transmitted by the Public Utilities Commission and local,~~
13 ~~regional, state, and federal agencies and the public to the~~
14 ~~commission, and independent studies conducted by the~~
15 ~~commission's staff.~~

16 The summary and hearing order shall:

17 (a) ~~Identify those issues for consideration in hearings~~
18 ~~pursuant to Section 25513.~~

19 (b) ~~Identify those issues which may be eliminated~~
20 ~~from further consideration in the notice of intention~~
21 ~~proceedings.~~

22 (c) ~~Identify those issues which should be deferred to~~
23 ~~the certification proceeding.~~

24 (d) ~~Contain proposed findings on matters relevant to~~
25 ~~the provisions of Section 25514.~~

26 (e) ~~Specify dates for the adjudicatory hearings.~~

27 SEC. 17. Section 25512.5 of the Public Resources Code
28 is repealed.

29 ~~25512.5. Within 15 days of the publication of the~~
30 ~~summary and hearing order, a copy will be distributed to~~
31 ~~any person who requests such copy.~~

32 SEC. 18. Section 25513 of the Public Resources Code
33 is repealed.

34 ~~25513. No earlier than 30 days after distribution of the~~
35 ~~summary and hearing order, the commission shall~~
36 ~~commence adjudicatory hearings pursuant to the hearing~~
37 ~~order.~~

38 SEC. 19. Section 25513.3 of the Public Resources Code
39 is repealed.

1 ~~25513.3. Notwithstanding Sections 11425.30 and~~
2 ~~11430.10 of the Government Code, unless a party~~
3 ~~demonstrates other statutory grounds for disqualification,~~
4 ~~a person who has served as investigator or advocate in an~~
5 ~~adjudicative proceeding of the commission under this~~
6 ~~code may serve as a supervisor of the presiding officer or~~
7 ~~assist or advise the presiding officer in the same~~
8 ~~proceeding if the service, assistance, or advice occurs~~
9 ~~more than one year after the time the person served as~~
10 ~~investigator or advocate, provided the content of any~~
11 ~~advice is disclosed on the record and all parties have an~~
12 ~~opportunity to comment on the advice.~~

13 SEC. 20. Section 25514 of the Public Resources Code
14 is repealed.

15 ~~25514. After conclusion of the hearings held pursuant~~
16 ~~to Section 25513 and no later than 300 days after the filing~~
17 ~~of the notice, a final report shall be prepared and~~
18 ~~distributed. The final report shall include, but not be~~
19 ~~limited to, all of the following:~~

20 ~~(a) The findings and conclusions of the commission~~
21 ~~regarding the conformity of alternative sites and related~~
22 ~~facilities designated in the notice or considered in the~~
23 ~~notice of intention proceeding with both of the following:~~

24 ~~(1) The 12-year forecast of statewide and service area~~
25 ~~electric power demands adopted pursuant to subdivision~~
26 ~~(e) of Section 25305, except as provided in Section~~
27 ~~25514.5.~~

28 ~~(2) Applicable local, regional, state, and federal~~
29 ~~standards, ordinances, and laws, including any long-range~~
30 ~~land-use plans or guidelines adopted by the state or by any~~
31 ~~local or regional planning agency, which would be~~
32 ~~applicable but for the exclusive authority of the~~
33 ~~commission to certify sites and related facilities; and the~~
34 ~~standards adopted by the commission pursuant to Section~~
35 ~~25216.3.~~

36 ~~(b) Any findings and comments submitted by the~~
37 ~~California Coastal Commission pursuant to Section 25507~~
38 ~~and subdivision (d) of Section 30413.~~

39 ~~(c) Any findings and comments submitted by the San~~
40 ~~Francisco Bay Conservation and Development~~

~~Commission pursuant to Section 25507 of this code and subdivision (d) of Section 66645 of the Government Code.~~

~~(d) The commission's findings on the acceptability and relative merit of each alternative siting proposal designated in the notice or presented at the hearings and reviewed by the commission. The specific findings of relative merit shall be made pursuant to Sections 25502 to 25516, inclusive. In its findings on any alternative siting proposal, the commission may specify modification in the design, construction, location, or other conditions which will meet the standards, policies, and guidelines established by the commission.~~

~~(e) Findings and conclusions with respect to the safety and reliability of the facility or facilities at each of the sites designated in the notice, as determined by the commission pursuant to Section 25511, and any conditions, modifications, or criteria proposed for any site and related facility proposal resulting from the findings and conclusions.~~

SEC. 21. Section 25514.3 of the Public Resources Code is repealed.

~~25514.3. In specifying any modifications, conditions, or criteria pursuant to Section 25514, for sites and related facilities requiring a certificate of public convenience and necessity, the commission shall request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of such modifications, conditions, or criteria.~~

SEC. 22. Section 25514.5 of the Public Resources Code is repealed.

~~25514.5. In considering the acceptability of a site proposed to accommodate ultimately additional power-generating capacity, the commission, in determining, pursuant to Sections 25514 and 25512, the conformity of the facilities proposed in the notice with the 12-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (e) of Section 25305, shall base its determination only on such~~

~~1 initial facilities as are proposed for operation within the
2 forthcoming 12 year period. Additional facilities
3 projected to be operating at the site at a time beyond the
4 forthcoming 12 year period shall not be considered in the
5 determination of conformity with the electric power
6 demand forecast.~~

~~7 SEC. 23. Section 25515 of the Public Resources Code
8 is repealed.~~

~~9 25515. No later than 30 days after the final report is
10 distributed, a hearing or hearings on the final report shall
11 be commenced. Such hearings shall be concluded within
12 15 days of their commencement.~~

~~13 SEC. 24. Section 25516 of the Public Resources Code
14 is repealed.~~

~~15 25516. The approval of the notice by the commission
16 shall be based upon findings pursuant to Section 25514.
17 The notice shall not be approved unless the commission
18 finds at least two alternative site and related facility
19 proposals considered in the commission's final report as
20 acceptable. If the commission does not find at least two
21 sites and related facilities acceptable, additional sites and
22 related facilities may be proposed by the applicant which
23 shall be considered in the same manner as those proposed
24 in the original notice.~~

~~25 If the commission finds that a good faith effort has been
26 made by the person submitting the notice to find an
27 acceptable alternative site and related facility and that
28 there is only one acceptable site and related facility
29 among those submitted, the commission may approve the
30 notice based on the one site and related facility. If a notice
31 is approved based on one site and related facility, the
32 commission may require a new notice to be filed to
33 identify acceptable alternative sites and related facilities
34 for the one site and related facility approved unless
35 suitable alternative sites and related facilities have been
36 approved by the commission in previous notice of
37 intention proceedings.~~

~~38 If the commission finds that additional electric
39 generating capacity is needed to accommodate the
40 electric power demand forecast pursuant to subdivision~~

~~(c) of Section 25305 and, after the commission finds that a good faith effort was made by the person submitting the notice to propose an acceptable site and related facility, it fails to find any proposed site and related facility to be acceptable, the commission shall designate, at the request of and at the expense of the person submitting the notice, a feasible site and related facility for providing the needed electric generating capacity.~~

SEC. 25. Section 25516.1 of the Public Resources Code is repealed.

~~25516.1. If a site and related facility found to be acceptable by the commission pursuant to Section 25516 is located in the coastal zone, the Suisun Marsh, or the jurisdiction of the San Francisco Bay Conservation and Development Commission, no application for certification may be filed pursuant to Section 25519 unless the commission has determined, pursuant to Section 25514, that such site and related facility have greater relative merit than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable by the commission pursuant to Section 25516.~~

SEC. 26. Section 25516.5 of the Public Resources Code is repealed.

~~25516.5. On a notice which proposes an expanded ultimate electric generating capacity for a site, the commission may, based upon findings pursuant to Section 25514, either approve the notice only for the initial facility or facilities proposed for operation within the forthcoming 12-year period or may approve the notice for the initial facility or facilities and find the site acceptable for additional generating capacity of the type tentatively proposed. The maximum allowable amount and type of such additional capacity shall be determined by the commission.~~

~~If a notice is approved which includes a finding that a particular site is suitable to accommodate a particular additional generating capacity, the site shall be designated a potential multiple-facility site. The commission may, in determining the acceptability of a~~

1 ~~potential multiple-facility site, specify conditions or~~
2 ~~criteria necessary to insure that future additional facilities~~
3 ~~will not exceed the limitations of the site.~~

4 SEC. 27. Section 25516.6 of the Public Resources Code
5 is repealed.

6 ~~25516.6. (a) Except as otherwise expressly provided~~
7 ~~in this division, the commission shall issue its written~~
8 ~~decision on the notice not later than 12 months after the~~
9 ~~notice is filed, or at any later time as is mutually agreed~~
10 ~~upon by the commission and the applicant.~~

11 ~~(b) The commission shall determine, within 45 days~~
12 ~~after it receives the notice, whether the notice is~~
13 ~~complete. If the commission determines that the notice~~
14 ~~is complete, the notice shall be deemed filed for the~~
15 ~~purpose of this section on the date that this determination~~
16 ~~is made. If the commission determines that the notice is~~
17 ~~incomplete, the commission shall specify, in writing,~~
18 ~~those parts of the notice which are incomplete and shall~~
19 ~~indicate the manner in which it can be made complete.~~
20 ~~If the applicant submits additional data to complete the~~
21 ~~notice, the commission shall determine, within 30 days~~
22 ~~after receipt of that data, whether the data is sufficient to~~
23 ~~make the notice complete. The notice shall be deemed~~
24 ~~filed on the date the commission determines the notice~~
25 ~~is complete if the commission has adopted regulations~~
26 ~~specifying the informational requirements for a complete~~
27 ~~notice, but if the commission has not adopted regulations,~~
28 ~~the notice shall be deemed filed on the last date the~~
29 ~~commission receives any additional data that completes~~
30 ~~the notice.~~

31 SEC. 28. Section 25519 of the Public Resources Code
32 is amended to read:

33 25519. (a) In order to obtain certification for a site
34 and related facility, an application for certification of such
35 site and related facility shall be filed with the commission.
36 ~~Such~~ The application shall be in a form prescribed by the
37 commission and shall be for a site and related facility
38 ~~which has been found to be acceptable by the commission~~
39 ~~pursuant to Section 25516, or for an additional facility at~~
40 ~~a site which has been designated a potential~~

1 ~~multiple-facility site pursuant to Section 25514.5 and~~
2 ~~found to be acceptable pursuant to Sections 25516 and~~
3 ~~25516.5. An application for an additional facility at a~~
4 ~~potential multiple-facility site shall be subject to the~~
5 ~~conditions and review specified in Section 25520.5. An~~
6 ~~application may not be filed for a site and related facility,~~
7 ~~if there is no suitable alternative for the site and related~~
8 ~~facility which was previously found to be acceptable by~~
9 ~~the commission, unless the commission has approved the~~
10 ~~notice based on the one site as specified in Section 25516.~~

11 (b) The commission, upon its own motion or in
12 response to the request of any party, may require the
13 applicant to submit any information, document, or data,
14 in addition to the attachments required by subdivision
15 (i), which it determines is reasonably necessary to make
16 any decision on the application.

17 (c) The commission shall be the lead agency as
18 provided in Section 21165 for all projects ~~which that~~
19 require certification pursuant to this chapter and for
20 projects ~~which that~~ are exempted from such certification
21 pursuant to Section 25541. Unless the commission's
22 regulatory program governing site and facility
23 certification and related proceedings are certified by the
24 Resources Agency pursuant to Section 21080.5, an
25 environmental impact report shall be completed within
26 one year after receipt of the application. If the
27 commission prepares a document or documents in the
28 place of an environmental impact report or negative
29 declaration under a regulatory program certified
30 pursuant to Section 21080.5, any other public agency
31 which must make a decision which is subject to the
32 California Environmental Quality Act, Division 13
33 (commencing with Section 21000), on a site or related
34 facility, shall use the document or documents prepared
35 by the commission in the same manner as they would use
36 an environmental impact report or negative declaration
37 prepared by a lead agency.

38 (d) If the site and related facility specified in the
39 application is proposed to be located in the coastal zone,
40 the commission shall transmit a copy of the application to

1 the California Coastal Commission for its review and
2 comments.

3 (e) If the site and related facility specified in the
4 application is proposed to be located in the Suisun Marsh
5 or the jurisdiction of the San Francisco Bay Conservation
6 and Development Commission, the commission shall
7 transmit a copy of the application to the San Francisco
8 Bay Conservation and Development Commission for its
9 review and comments.

10 (f) Upon receipt of an application, the commission
11 shall forward the application to local governmental
12 agencies having land use and related jurisdiction in the
13 area of the proposed site and related facility. Such local
14 agencies shall review the application and submit
15 comments on, among other things, the design of the
16 facility, architectural and aesthetic features of the facility,
17 access to highways, landscaping and grading, public use
18 of lands in the area of the facility, and other appropriate
19 aspects of the design, construction, or operation of the
20 proposed site and related facility.

21 (g) Upon receipt of an application, the commission
22 shall cause a summary of the application to be published
23 in a newspaper of general circulation in the county in
24 which the site and related facilities, or any part thereof,
25 designated in the application, is proposed to be located.
26 The commission shall transmit a copy of the application
27 to each federal and state agency having jurisdiction or
28 special interest in matters pertinent to the proposed site
29 and related facilities and to the Attorney General.

30 (h) The adviser shall require that adequate notice is
31 given to the public and that the procedures specified by
32 this division are complied with.

33 (i) For any proposed site and related facility requiring
34 a certificate of public convenience and necessity, the
35 commission shall transmit a copy of the application to the
36 Public Utilities Commission and request the comments
37 and recommendations of the Public Utilities Commission
38 on the economic, financial, rate, system reliability, and
39 service implications of the proposed site and related
40 facility. In the event the commission requires

1 modification of the proposed facility, the commission
2 shall consult with the Public Utilities Commission
3 regarding the economic, financial, rate, system reliability,
4 and service implications of such modifications.

5 (j) The commission shall transmit a copy of the
6 application to any governmental agency not specifically
7 mentioned in this act, but ~~which~~ *that* it finds has any
8 information or interest in the proposed site and related
9 facilities, and shall invite the comments and
10 recommendations of each such agency. The commission
11 shall request any relevant laws, ordinances, or regulations
12 which any such agency has promulgated or administered.

13 (k) An application for certification of any site and
14 related facilities shall contain a listing of every federal
15 agency from which any approval or authorization
16 concerning the proposed site is required, specifying the
17 approvals or authorizations obtained at the time of the
18 application and the schedule for obtaining any approvals
19 or authorizations pending.

20 SEC. 29. Section 25520 of the Public Resources Code
21 is amended to read:

22 25520. The application shall contain all of the
23 following information and any other information that the
24 commission by regulation may require:

25 (a) A detailed description of the design, construction,
26 and operation of the proposed facility.

27 (b) Safety and reliability information, including, ~~in~~
28 ~~addition to documentation previously provided pursuant~~
29 ~~to Section 25511,~~ planned provisions for emergency
30 operations and shutdowns.

31 (c) Available site information, including maps and
32 descriptions of present and proposed development and,
33 as appropriate, geological, aesthetic, ecological, seismic,
34 water supply, population, and load center data, and
35 justification for the particular site proposed.

36 (d) Any other information relating to the design,
37 operation, and siting of the facility that the commission
38 may specify.

39 (e) ~~A statement of need providing information~~
40 ~~showing compatibility of the proposed facility with the~~

1 ~~most recent electricity report issued by the commission~~
2 ~~pursuant to Sections 25305 to 25308, inclusive, or, where~~
3 ~~applicable, information pertinent to Section 25523.5~~
4 ~~regarding the conformity of a competitive solicitation for~~
5 ~~new generation resources with the integrated assessment~~
6 ~~of need for new resource additions determined pursuant~~
7 ~~to subdivisions (a) to (f), inclusive, of Section 25305 and~~
8 ~~adopted pursuant to Section 25308, and in effect at the~~
9 ~~time that the competitive solicitation for new generation~~
10 ~~resources, as described in subdivision (f) of Section 25523,~~
11 ~~was developed.~~

12 (f) A description of the facility, the cost of the facility,
13 the fuel to be used, the source of fuel, fuel cost, plant
14 service life and capacity factor, and generating cost per
15 kilowatt hour.

16 (g) —

17 (f) A description of any electric transmission lines,
18 including the estimated cost of the proposed electric
19 transmission line; a map in suitable scale of the proposed
20 routing showing details of the rights-of-way in the vicinity
21 of settled areas, parks, recreational areas, and scenic
22 areas, and existing transmission lines within one mile of
23 the proposed route; justification for the route, and a
24 preliminary description of the effect of the proposed
25 electric transmission line on the environment, ecology,
26 and scenic, historic, and recreational values.

27 SEC. 30. Section 25520.5 of the Public Resources Code
28 is amended to read:

29 25520.5. (a) In reviewing an application for an
30 additional facility at a potential multiple-facility site, the
31 commission shall ~~undertake a reconsideration of its prior~~
32 ~~determinations in the final report on the notice for the~~
33 ~~site issued pursuant to Section 25514, based on~~ *consider*
34 *and evaluate* current conditions and other reasonable and
35 feasible alternatives to the proposed facility.

36 (b) Within 180 days of the filing of the application for
37 an additional facility at a potential multiple-facility site
38 and after adequate public hearings, the commission shall
39 issue its decision on the acceptability of the proposed
40 facility based on the ~~reconsideration specified in review~~

1 *conducted pursuant to* subdivision (a) ~~of this section. A~~
2 ~~negative determination shall be the final~~ *The decision of*
3 *the commission on the application shall be final,* and
4 *subject to judicial review pursuant to Section 25531. An*
5 ~~affirmative determination shall not be a final decision of~~
6 ~~the commission on the application.~~

7 (c) The decision of the commission on an application
8 for an additional facility at a potential multiple-facility
9 site receiving a favorable determination pursuant to
10 subdivision (b) ~~of this section~~ shall be issued within 24
11 months after the filing of the application or at such later
12 time as is mutually agreed upon by the commission and
13 the applicant.

14 SEC. 31. Section 25522 of the Public Resources Code
15 is amended to read:

16 25522. (a) Except as provided in subdivision (c) of
17 Section 25520.5, within 18 months of the filing of an
18 application for certification, ~~or within 12 months if it is~~
19 ~~filed within one year of the commission's approval of the~~
20 ~~notice of intent,~~ or at any later time as is mutually agreed
21 by the commission and the applicant, the commission
22 shall issue a written decision as to the application.

23 (b) The commission shall determine, within 45 days
24 after it receives the application, whether the application
25 is complete. If the commission determines that the
26 application is complete, the application shall be deemed
27 filed for purposes of this section on the date that this
28 determination is made. If the commission determines
29 that the application is incomplete, the commission shall
30 specify in writing those parts of the application ~~which~~ *that*
31 are incomplete and shall indicate the manner in which it
32 can be made complete. If the applicant submits
33 additional data to complete the application, the
34 commission shall determine, within 30 days after receipt
35 of that data, whether the data is sufficient to make the
36 application complete. The application shall be deemed
37 filed on the date when the commission determines the
38 application is complete if the commission has adopted
39 regulations specifying the informational requirements
40 for a complete application, but if the commission has not

1 adopted regulations, the application shall be deemed
2 filed on the last date the commission receives any
3 additional data that completes the application.

4 SEC. 32. Section 25524.5 of the Public Resources Code
5 is amended to read:

6 25524.5. The commission shall not certify any facility
7 ~~which that~~ adds generating capacity to a potential
8 multiple-facility site in excess of the maximum allowable
9 capacity established by the commission ~~pursuant to~~
10 ~~Section 25516.5~~, unless the commission finds that
11 exceeding the maximum allowable capacity will not
12 increase adverse environmental impacts or create
13 technological, seismic, or other difficulties beyond those
14 already found acceptable ~~in the commission's findings on~~
15 ~~the notice for that site pursuant to Sections 25516 and~~
16 ~~25516.5 by the commission.~~

17 SEC. 33. Section 25528 of the Public Resources Code
18 is amended to read:

19 25528. (a) The commission shall require, as a
20 condition of certification of any site and related facility,
21 that the applicant acquire, by grant or contract, the right
22 to prohibit development of privately owned lands in the
23 area of the proposed site ~~which that~~ will result in
24 population densities in excess of the maximum population
25 densities ~~which that~~ the commission determines, ~~as to the~~
26 ~~factors considered by the commission pursuant to Section~~
27 ~~25511~~, are necessary to protect public health and safety.

28 If the applicant is authorized to exercise the right of
29 eminent domain under Article 7 (commencing with
30 Section 610) of Chapter 3 of Part 1 of Division 1 of the
31 Public Utilities Code, the applicant may exercise the right
32 of eminent domain to acquire such development rights as
33 the commission requires be acquired.

34 (b) In the case of an application for a nuclear facility,
35 the area and population density necessary to ~~insure~~
36 *ensure* the public's health and safety designated by the
37 commission shall be that as determined from time to time
38 by the United States Nuclear Regulatory Commission, if
39 the commission finds that such determination is

1 sufficiently definitive for valid land use planning
2 requirements.

3 (c) The commission shall waive the requirements of
4 the acquisition of development rights by an applicant to
5 the extent that the commission finds that existing
6 governmental land use restrictions are of a type necessary
7 and sufficient to guarantee the maintenance of
8 population levels and land use development over the
9 lifetime of the facility ~~which that~~ will ~~insure~~ ensure the
10 public health and safety requirements set pursuant to this
11 section.

12 (d) No change in governmental land use restrictions
13 in such areas designated in subdivision (c) ~~of this section~~
14 by any government agency shall be effective until
15 approved by the commission. Such approval shall certify
16 that the change in land use restrictions is not in conflict
17 with requirements provided for by this section.

18 (e) It is not the intent of the Legislature by the
19 enactment of this section to take private property for
20 public use without payment of just compensation in
21 violation of the United States Constitution or the
22 Constitution of California.

23 SEC. 34. Section 25531 of the Public Resources Code
24 is amended to read:

25 25531. (a) The decisions of the commission on any
26 application of any electric utility for certification of a site
27 and related facility are subject to judicial review in the
28 same manner as the decisions of the Public Utilities
29 Commission on the application for a Certificate of Public
30 Convenience and Necessity for the same site and related
31 facility.

32 (b) No new or additional evidence may be introduced
33 upon review and the cause shall be heard on the record
34 of the commission as certified to by it. The review shall
35 not be extended further than to determine whether the
36 commission has regularly pursued its authority, including
37 a determination of whether the order or decision under
38 review violates any right of the petitioner under the
39 United States Constitution or the California Constitution.
40 The findings and conclusions of the commission on

1 questions of fact are final and are not subject to review,
2 except as provided in this article. These questions of fact
3 shall include ultimate facts and the findings and
4 conclusions of the commission. ~~A report prepared by, or~~
5 ~~an approval of, the commission pursuant to Section 25510,~~
6 ~~25514, 25516, or 25516.5, or subdivision (b) of Section~~
7 ~~25520.5, shall not constitute a decision of the commission~~
8 ~~subject to judicial review.~~

9 (c) Subject to the right of judicial review of decisions
10 of the commission, no court in this state has jurisdiction
11 to hear or determine any case or controversy concerning
12 any matter which was, or could have been, determined
13 in a proceeding before the commission, or to stop or delay
14 the construction or operation of any thermal powerplant
15 except to enforce compliance with the provisions of a
16 decision of the commission.

17 (d) Notwithstanding Section 1250.370 of the Code of
18 Civil Procedure:

19 (1) If the commission requires, pursuant to subdivision
20 (a) of Section 25528, as a condition of certification of any
21 site and related facility, that the applicant acquire
22 development rights, that requirement conclusively
23 establishes the matters referred to in Sections 1240.030
24 and 1240.220 of the Code of Civil Procedure in any
25 eminent domain proceeding brought by the applicant to
26 acquire the development rights.

27 (2) If the commission certifies any site and related
28 facility, that certification conclusively establishes the
29 matters referred to in Sections 1240.030 and 1240.220 of
30 the Code of Civil Procedure in any eminent domain
31 proceeding brought to acquire the site and related
32 facility.

33 (e) No decision of the commission pursuant to Section
34 ~~25516~~, 25522, or 25523 shall be found to mandate a specific
35 supply plan for any utility as prohibited by Section 25323.

36 SEC. 35. Section 25540 of the Public Resources Code
37 is amended to read:

38 25540. ~~If a person proposes to construct a geothermal~~
39 ~~powerplant and related facility or facilities on a site, the~~
40 ~~commission shall not require three alternative sites and~~

1 ~~related facilities to be proposed in the notice. Except as~~
 2 ~~otherwise provided, the commission shall issue its~~
 3 ~~findings on the notice, as specified in Section 25514,~~
 4 ~~within nine months from the date of filing of such notice,~~
 5 ~~and~~ The commission shall issue its final decision on the
 6 application, as specified in Section 25523, within nine
 7 months from the date of the filing of the application for
 8 certification, or at such later time as is mutually agreed to
 9 by the commission and the applicant or person
 10 submitting the ~~notice or~~ application.

11 SEC. 36. Section 25540.1 of the Public Resources Code
 12 is amended to read:

13 25540.1. The commission shall determine, within 30
 14 days after the receipt of a ~~notice or~~ an application for a
 15 geothermal powerplant, whether the ~~notice or~~
 16 application is complete. If the ~~notice or~~ application is
 17 determined not to be complete, the commission's
 18 determination shall specify, in writing, those parts of the
 19 ~~notice or~~ application ~~which~~ that are incomplete and shall
 20 indicate the manner in which it can be made complete.
 21 Within 30 days after receipt of the applicant's filing with
 22 the commission the additional information requested by
 23 the commission to make the ~~notice or~~ application
 24 complete, the commission shall determine whether the
 25 subsequent filing is sufficient to complete the ~~notice or~~
 26 application. ~~A notice or~~ An application shall be deemed
 27 filed for purposes of Section 25540 on the date the
 28 commission determines the ~~notice or~~ application is
 29 completed if the commission has adopted regulations
 30 specifying the informational requirements for a complete
 31 ~~notice or~~ application, but if the commission has not
 32 adopted regulations, the ~~notice or~~ application shall be
 33 deemed filed on the last date the commission receives any
 34 additional data that completes the ~~notice or~~ application.

35 SEC. 37. Section 25540.4 of the Public Resources Code
 36 is amended to read:

37 25540.4. Notwithstanding any other provision of law:

38 (a) The decision of the commission on an application
 39 for an additional facility at a potential multiple facility site
 40 shall be issued within three months after the acceptance

1 of the application or at such later time as is mutually
2 agreed upon by the commission and the applicant.

3 (b) In reviewing an application for an additional
4 facility at a potential multiple facility site, the commission
5 may, upon a showing of good cause, undertake a
6 reconsideration of its prior ~~determinations in the final~~
7 ~~report for the site pursuant to Section 25514 or its decision~~
8 pursuant to Section 25523 based on current conditions
9 and other reasonable alternatives to the proposed facility.
10 Such reconsideration must be completed within seven
11 months after acceptance of such application for an
12 additional facility.

13 (c) The commission shall, pursuant to Section 21100.2,
14 provide by resolution or order for completing and
15 certifying the environmental impact report within the
16 time limits established by subdivisions (a) and (b).

17 SEC. 38. Section 30413 of the Public Resources Code
18 is amended to read:

19 30413. (a) In addition to ~~the provisions set forth in~~
20 subdivision (f) of Section 30241, and ~~in~~ Sections 25302,
21 25500, ~~25507, 25508, 25510, 25514, 25516.1,~~ 25523, and
22 25526, ~~the provisions of this section shall apply~~ *applies* to
23 the commission and the State Energy Resources
24 Conservation and Development Commission with
25 respect to matters within the statutory responsibility of
26 the latter.

27 (b) The commission shall, ~~prior to January 1, 1978, and~~
28 after one or more public hearings, designate those
29 specific locations within the coastal zone where the
30 location of a facility, as defined in Section 25110, would
31 prevent the achievement of the objectives of this division;
32 provided, however, that specific locations that are
33 presently used for such facilities and reasonable
34 expansion thereof shall not be so designated. Each such
35 designation shall include a description of the boundaries
36 of those locations, the objectives of this division ~~which~~
37 *that* would be so affected, and detailed findings
38 concerning the significant adverse impacts that would
39 result from development of a facility in the designated
40 area. The commission shall consider the conclusions, if

any, reached by the State Energy Resources Conservation and Development Commission in its most recently promulgated comprehensive report issued pursuant to Section 25309. The commission shall transmit a copy of its report prepared pursuant to this subdivision to the State Energy Resources Conservation and Development Commission.

~~(c) The commission, after it completes its initial designations in 1978, shall, prior to January 1, 1980, and once every two years thereafter until January 1, 1990, revise and update the designations specified in subdivision (b). After January 1, 1990, the commission shall revise and update those its designations not less than once every five years. Those revisions shall be effective on January 1, 1980, or on January 1 of the year following adoption of the revisions. The provisions of subdivision (b) shall not apply to any sites and related facilities specified in any notice of intention to file an application for certification filed with the State Energy Resources Conservation and Development Commission pursuant to Section 25502 prior to designation of additional locations made by the commission pursuant to this subdivision.~~

(d) Whenever the State Energy Resources Conservation and Development Commission exercises its siting authority and undertakes proceedings pursuant to ~~the provisions of~~ Chapter 6 (commencing with Section 25500) of Division 15 with respect to any thermal powerplant or transmission line to be located, in whole or in part, within the coastal zone, the commission shall participate in those proceedings and shall receive from the State Energy Resources Conservation and Development Commission any ~~notice of intention to file an~~ application for certification of a site and related facilities within the coastal zone. ~~The commission shall analyze each notice of intention and shall, prior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report~~

1 ~~shall contain a consideration of, and findings regarding,~~
2 ~~all of the following:~~

3 ~~(1) The compatibility of the proposed site and related~~
4 ~~facilities with the goal of protecting coastal resources.~~

5 ~~(2) The degree to which the proposed site and related~~
6 ~~facilities would conflict with other existing or planned~~
7 ~~coastal-dependent land uses at or near the site.~~

8 ~~(3) The potential adverse effects that the proposed~~
9 ~~site and related facilities would have on aesthetic values.~~

10 ~~(4) The potential adverse environmental effects on~~
11 ~~fish and wildlife and their habitats.~~

12 ~~(5) The conformance of the proposed site and related~~
13 ~~facilities with certified local coastal programs in those~~
14 ~~jurisdictions which would be affected by any such~~
15 ~~development.~~

16 ~~(6) The degree to which the proposed site and related~~
17 ~~facilities could reasonably be modified so as to mitigate~~
18 ~~potential adverse effects on coastal resources, minimize~~
19 ~~conflict with existing or planned coastal-dependent uses~~
20 ~~at or near the site, and promote the policies of this~~
21 ~~division.~~

22 ~~(7) Such other matters as the commission deems~~
23 ~~appropriate and necessary to carry out this division.~~

24 ~~(e) The commission may, at its discretion, participate~~
25 ~~fully in other proceedings conducted by the State Energy~~
26 ~~Resources Conservation and Development Commission~~
27 ~~pursuant to its powerplant siting authority. In the event~~
28 ~~the commission participates in any public hearings held~~
29 ~~by the State Energy Resources Conservation and~~
30 ~~Development Commission, it shall be afforded full~~
31 ~~opportunity to present evidence and examine and~~
32 ~~cross-examine witnesses.~~

33 ~~(f) The State Energy Resources Conservation and~~
34 ~~Development Commission shall forward a copy of all~~
35 ~~reports it distributes pursuant to Sections 25302 and 25306~~
36 ~~to the commission and the commission shall, with respect~~
37 ~~to any report that relates to the coastal zone or coastal~~
38 ~~zone resources, comment on those reports, and shall in its~~
39 ~~comments include a discussion of the desirability of~~
40 ~~particular areas within the coastal zone as designated in~~

1 such reports for potential powerplant development. The
2 commission may propose alternate areas for powerplant
3 development within the coastal zone and shall provide
4 detailed findings to support the suggested alternatives.

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