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**AB-841 Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program. (2019-2020)**

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Date Published: 10/02/2020 02:00 PM

**Assembly Bill No. 841**

**CHAPTER 372**

An act to amend Section 740.12 of, to add Sections 740.18, 740.19, and 740.20 to, and to add and repeal Chapter 8.7 (commencing with Section 1600) of Part 1 of Division 1 of, the Public Utilities Code, relating to energy.

[ Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 841, Ting. Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission and the State Air Resources Board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. That law requires that the programs proposed by electrical corporations seek to minimize overall costs and maximize overall benefits. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if they are consistent with the above-described purposes, do not unfairly compete with nonutility enterprises, include performance accountability measures, and are in the interests of ratepayers.

This bill would require not less than 35% of the investments pursuant to these provisions to be in underserved communities, as defined.

Existing law authorizes the PUC to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), the State Air Resources Board (state board), electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified issues. Existing law requires the PUC, in cooperation with the Energy Commission, the state board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electric power and natural gas to fuel low-emission vehicles. The PUC is required to ensure that its policies authorizing utilities to develop equipment and infrastructure needed for electric-powered and natural gas-fueled low-emission vehicles ensure that the costs and expenses of those programs are not passed through to electric or gas ratepayers unless the PUC finds and determines that those programs are in the ratepayers' interest, as specified. Pursuant to these requirements, the PUC has issued various decisions adopting, then extending, an interim policy that allows certain costs incurred as a result of the adoption of home-based electric vehicle charging

for basic charging arrangements to be treated as a common facility cost of an electrical corporation, to be recovered from all residential ratepayers.

This bill would require that the PUC, in supervising the alternative-fueled vehicle program, or vehicle electrification program, of an electrical corporation, to apply the interim policy and would declare the intent of the Legislature that the interim policy be the policy applied by the PUC, but would authorize the PUC to revise the policy after the completion of the electrical corporation's general rate case cycle in effect on January 1, 2021, if a determination is made that a change in the policy is necessary to ensure just and reasonable rates for ratepayers.

Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the PUC, in consultation with the Energy Commission and state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification, as defined, to achieve specified results. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if they meet specified requirements.

This bill would require the PUC, on or before March 1, 2021, to issue decisions concerning 2 specific pending transportation electrification infrastructure applications. The bill would require each electrical corporation, by February 28, 2021, to file an advice letter and would require the PUC to approve, by June 30, 2021, a new tariff or rule that authorizes each electrical corporation to design and deploy all electrical distribution infrastructure on the utility side of the customer meter for all customers installing a separately metered infrastructure to support charging stations, and provide for cost recovery, as specified. The bill would, except as provided, require the PUC, the Energy Commission, and the state board, for work performed on and after January 1, 2022, pursuant to a decision made by those state entities, to require all electric vehicle charging infrastructure and equipment located on the customer side of the electric meter that is funded or authorized, in whole or in part, by those state entities to be installed by a contractor with the appropriate license classification, as determined by the Contractors' State License Board, and at least one electrician on each crew, at any given time, who holds an Electric Vehicle Infrastructure Training Program certification or to require projects funded or authorized, in whole or in part, by those state entities, that install a charging port supplying 25 kilowatts or more to a vehicle have at least 25% of the total electricians working on the crew for the project, at any given time, who hold Electric Vehicle Infrastructure Training Program certification. The bill would require, no later than May 1, 2021, and periodically thereafter, the Energy Commission, in consultation with the PUC, to conduct joint public workshops to determine if the Electric Vehicle Infrastructure Training Program curriculum and testing should be supplemented to include updated or additional topics necessary to ensure safe installation of charging infrastructure, as provided. The bill would require the Electric Vehicle Infrastructure Training Program to offer Electric Vehicle Infrastructure Training Program courses in an online format that would remain available through December 31, 2024.

Existing law requires the PUC to review and accept, modify, or reject a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives. Existing law requires the PUC, in consultation with the Energy Commission, to identify all potentially achievable cost-effective electricity efficiency savings and to establish efficiency targets for electrical corporations to achieve pursuant to their procurement plan. Existing law requires the PUC, in consultation with the Energy Commission, to identify all potentially achievable cost-effective natural gas efficiency savings and to establish efficiency targets for gas corporations to achieve and requires that a gas corporation first meet its unmet resource needs through all available gas efficiency and demand reduction resources that are cost effective, reliable, and feasible. Pursuant to these requirements electrical corporations and gas corporations have filed, and the PUC approved, various plans to undertake various actions to promote energy efficiency that are administered by the utilities or third-party administrators, either individually, regionally, or statewide, as defined.

This bill would require the PUC to require those electrical corporations with 250,000 customer accounts in the state, and those gas corporations with 400,000 or more customer accounts in the state, to establish the joint School Energy Efficiency Stimulus Program within each of its energy efficiency portfolios that consist of: (1) the School Reopening Ventilation and Energy Efficiency Verification and Repair Program to provide grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted, and, if necessary or cost effective, repaired, upgraded or replaced to increase efficiency and performance, and (2) the School Noncompliant Plumbing Fixture and Appliance Program to provide grants to local educational agencies to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards and waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances. The bill would require those large electrical and gas corporations to file a joint advice letter by February 1, 2021, to fund a joint School Energy Efficiency Stimulus Program as part of each of their energy efficiency portfolios. The bill would require that the School Energy Efficiency Stimulus Program be a joint program among all the participating utilities, be consistent across the utility territories, and be designed, administered, and implemented by the Energy Commission as the program administrator. The bill would require the PUC to approve the advice letter by March 1, 2021. The bill would require the PUC to require those large electrical corporations and gas corporations to allocate a specific portion of their energy efficiency budget for program years 2021, 2022, and 2023 to fund the School Energy Efficiency Stimulus Program, as specified. The bill would require all allocated funds to be spent or returned to the electrical corporation or gas corporation by December 1, 2026. The bill would require the Energy Commission, in

collaboration with those large electrical and gas corporations, to develop and administer the School Reopening Ventilation and Energy Efficiency Verification and Repair Program and the School Noncompliant Plumbing Fixture and Appliance Program as components of the School Energy Efficiency Stimulus Program. The bill would require that not less than 25% of projects funded by those programs be in underserved communities, as defined, and require that those programs prioritize underserved communities by ensuring that all schools that are in an underserved community are offered the opportunity to apply for and receive grants before those schools that are not in an underserved community. The bill would additionally require that the School Reopening Ventilation and Energy Efficiency Verification and Repair Program prioritize schools with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, as defined, or within 1,000 feet of a facility holding a specified permit issued pursuant to the federal Clean Air Act. The bill would require the Energy Commission to ensure that moneys from each utility for the School Energy Efficiency Stimulus Program are used, to the maximum extent feasible, for projects located in the service territory of that utility from which the moneys are received. The bill would repeal these provisions on January 1, 2027.

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.

Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the PUC implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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 Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 740.12 of the Public Utilities Code is amended to read:

**740.12.** (a) (1) The Legislature finds and declares all of the following:

(A) Advanced clean vehicles and fuels are needed to reduce petroleum use, to meet air quality standards, to improve public health, and to achieve greenhouse gas emissions reduction goals.

(B) Widespread transportation electrification is needed to achieve the goals of the Charge Ahead California Initiative (Chapter 8.5 (commencing with Section 44258) of Part 5 of Division 26 of the Health and Safety Code).

(C) Widespread transportation electrification requires increased access for disadvantaged communities, low- and moderate-income communities, and other consumers of zero-emission and near-zero-emission vehicles, and increased use of those vehicles in those communities and by other consumers to enhance air quality, lower greenhouse gases emissions, and promote overall benefits to those communities and other consumers.

(D) Reducing emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification.

(E) Widespread transportation electrification requires electrical corporations to increase access to the use of electricity as a transportation fuel.

(F) Widespread transportation electrification should stimulate innovation and competition, enable consumer options in charging equipment and services, attract private capital investments, and create high-quality jobs for Californians, where technologically feasible.

(G) Deploying electric vehicles should assist in grid management, integrating generation from eligible renewable energy resources, and reducing fuel costs for vehicle drivers who charge in a manner consistent with electrical grid conditions.

(H) Deploying electric vehicle charging infrastructure should facilitate increased sales of electric vehicles by making charging easily accessible and should provide the opportunity to access electricity as a fuel that is cleaner and less costly than gasoline or other fossil fuels in public and private locations.

(I) According to the State Alternative Fuels Plan analysis by the Energy Commission and the State Air Resources Board, light-, medium-, and heavy-duty vehicle electrification results in approximately 70 percent fewer greenhouse gases emitted,

over 85 percent fewer ozone-forming air pollutants emitted, and 100 percent fewer petroleum used. These reductions will become larger as renewable generation increases.

(2) It is the policy of the state and the intent of the Legislature to encourage transportation electrification as a means to achieve ambient air quality standards and the state's climate goals. Agencies designing and implementing regulations, guidelines, plans, and funding programs to reduce greenhouse gas emissions shall take the findings described in paragraph (1) into account.

(b) The commission, in consultation with the State Air Resources Board and the Energy Commission, shall direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative (Chapter 8.5 (commencing with Section 44258) of Part 5 of Division 26 of the Health and Safety Code), and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050. Programs proposed by electrical corporations shall seek to minimize overall costs and maximize overall benefits. The commission shall approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, via a reasonable cost recovery mechanism, if they are consistent with this section, do not unfairly compete with nonutility enterprises as required under Section 740.3, include performance accountability measures, and are in the interests of ratepayers as defined in Section 740.8. Not less than 35 percent of the investments pursuant to this subdivision shall be in underserved communities as that term is defined in Section 1601.

(c) The commission shall review data concerning current and future electric transportation adoption and charging infrastructure utilization prior to authorizing an electrical corporation to collect new program costs related to transportation electrification in customer rates. If market barriers unrelated to the investment made by an electric corporation prevent electric transportation from adequately utilizing available charging infrastructure, the commission shall not permit additional investments in transportation electrification without a reasonable showing that the investments would not result in long-term stranded costs recoverable from ratepayers.

(d) This section applies to an application to the commission for transportation electrification programs and investments if one of the following conditions is met:

(1) The application is filed on or after January 1, 2016.

(2) The application is filed before January 1, 2016, but has an evidentiary hearing scheduled on or after July 1, 2016.

**SEC. 2.** Section 740.18 is added to the Public Utilities Code, to read:

**740.18.** (a) The purpose of this section is to require the commission to review, modify, if appropriate, and decide whether to approve, two pending (as of July 1, 2020) transportation electrification infrastructure applications, based on previously approved activities, that are designed to advance California's goal of widespread transportation electrification, and to require the commission to extend its prior approvals of transportation electrification programs and investments so that they will be replicated and continued. These commission decisions will have the effect of continuing to build out California's transportation electrification infrastructure, improve air quality, reduce emissions of greenhouse gases, create jobs, and put downward pressure on rates. Nothing in this section is intended to preclude the commission from adopting additional transportation electrification programs and investments.

(b) On or before March 1, 2021, the commission shall issue decisions concerning Application 18-06-015 (June 26, 2018) Application of Southern California Edison Company (U338E) for Approval of its Charge Ready 2 Infrastructure and Market Education Programs and Application 19-10-012 (October 28, 2019) Application Of San Diego Gas & Electric Company (U902E) To Extend And Modify The Power Your Drive Pilot Approved By Decision 16-01-045.

**SEC. 3.** Section 740.19 is added to the Public Utilities Code, to read:

**740.19.** (a) The purpose of this section is to change the commission practice of authorizing the electrical distribution infrastructure located on the utility side of the customer meter needed to charge electric vehicles on a case-by-case basis to a practice of considering that infrastructure and associated design, engineering, and construction work as core utility business, treated the same as other distribution infrastructure authorized on an ongoing basis in the electrical corporation's general rate case. The commission should not relegate charging electric vehicles to a lower status than any other use of electricity for which the electrical corporation provides distribution infrastructure. The commission shall continue to require each electrical corporation to provide an accurate and full accounting of all expenses related to electrical distribution infrastructure as it relates to this section, and apply appropriate penalties to the extent an electrical corporation is not accurately tracking all expenses.

(b) For purposes of this section, the term "electrical distribution infrastructure" shall include poles, vaults, service drops, transformers, mounting pads, trenching, conduit, wire, cable, meters, other equipment as necessary, and associated engineering

and civil construction work.

(c) Not later than February 28, 2021, each electrical corporation shall file an advice letter pursuant to Section 5.1 of General Order 96-B, for, and not later than June 30, 2021, the commission shall approve, a new tariff or rule that authorizes each electrical corporation to design and deploy all electrical distribution infrastructure on the utility side of the customer's meter for all customers installing separately metered infrastructure to support charging stations, other than those in single-family residences. The advice letter and the commission's approval shall provide that costs incurred by the electrical corporation between January 1, 2021, and the implementation date of rates approved in the next general rate case decision for that electrical corporation shall be tracked in a memorandum account and recovered, subject to a reasonableness review, in the decision adopting the next general rate case revenue requirement for that electrical corporation. Each electrical corporation shall recover its subsequent revenue requirement for this work through periodic general rate case proceedings. In those proceedings, the costs shall be treated like those costs incurred for other necessary distribution infrastructure. The new tariff shall replace the line extension rules currently used (as of July 1, 2020) and any customer allowances established shall be based on the full useful life of the electrical distribution infrastructure. The commission may revise the policy described in subdivision (a) and this subdivision after the completion of the general rate case cycle of the electrical corporation following the one during which the advice letter was filed if a determination is made that a change in the policy is necessary to ensure just and reasonable rates for ratepayers.

(d) (1) For purposes of this subdivision, the following terms have the following meanings:

(A) "Basic charging arrangements" means Level 1 and Level 2 charging in accordance with the SAE J1772 standard, or a replacement standard that the commission determines to be appropriate.

(B) "D. 11-07-029" means commission Decision 11-07-029 (July 14, 2011) Phase 2 Decision Establishing Policies to Overcome Barriers to Electric Vehicle Deployment and Complying with Section 740.2 of the Public Utilities Code, made in Rulemaking 09-08-009 (August 20, 2009) Order Instituting Rulemaking on the Commission's Own Motion to Consider Alternative-Fueled Vehicle Tariffs, Infrastructure and Policies to Support California's Greenhouse Gas Emissions Reduction Goals.

(C) "D. 13-06-014" means commission Decision 13-06-014 (June 27, 2013) Decision Authorizing Short-Term Extension of Limited Provisions Regarding Electric Tariff Rules 15 and 16, made in Rulemaking 09-08-009.

(D) "D. 16-06-011" means commission Decision 16-06-011 (June 9, 2016) Decision Authorizing Further Extension of the Interim Policy Regarding Electric Tariff Rules 15 and 16, made in Rulemaking 13-11-007 (November 14, 2013) Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Programs, Tariffs, and Policies.

(E) "D. 16-11-005" means commission Decision 16-11-005 (November 10, 2016) Decision Making Small Electrical Corporations Respondents to this Rulemaking, made in Rulemaking 13-11-007.

(F) "PEV charging" means plug-in electric vehicle charging.

(G) "R. 18-12-066" means commission Rulemaking 18-12-006 (December 13, 2018) Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification.

(2) In supervising the alternative-fueled vehicle program, or vehicle electrification program, of an electrical corporation, the commission shall allow the residential service facility upgrade costs incurred as a result of the adoption of home-based electric vehicle charging for basic charging arrangements that exceed the utility's Electric Tariff Rule 15 (distribution line extensions) and Rule 16 (service line extensions) allowances to be treated as a common facility cost, to be recovered from all residential ratepayers.

(3) It is the intent of the Legislature that the interim policy, known as the Common Treatment for Excess PEV Charging, initially adopted with respect to the state's three largest electrical corporations in D. 11-07-029, extended in D. 13-06-014, extended again in D. 16-06-011, expanded to include the state's three smaller electrical corporations in D. 16-11-005, and further extended by the Assigned Commissioner's Scoping Memorandum and Ruling entered May 2, 2019, and by the order of the Administrative Law Judge entered December 13, 2019 in R. 18-12-066, shall be the policy applied by the commission, and may be revised by the commission after the completion of the electrical corporation's general rate case cycle in effect on January 1, 2021, if a determination is made that a change in the policy is necessary to ensure just and reasonable rates for ratepayers.

**SEC. 4.** Section 740.20 is added to the Public Utilities Code, to read:

**740.20.** (a) (1) The commission, the Energy Commission, and the State Air Resources Board shall require that all electric vehicle charging infrastructure and equipment located on the customer side of the electrical meter that is funded or authorized, in whole or in part, by those state entities shall be installed by a contractor with the appropriate license classification, as determined by the Contractors' State License Board, and at least one electrician on each crew, at any given time, who holds an Electric Vehicle Infrastructure Training Program certification.

(2) The commission, the Energy Commission, and the State Air Resources Board shall require that projects funded or authorized, in whole or in part, by those state entities, that install a charging port supplying 25 kilowatts or more to a vehicle have at least 25 percent of the total electricians working on the crew for the project, at any given time, who hold Electric Vehicle Infrastructure Training Program certification.

(3) One member of each crew may be both the contractor and an Electric Vehicle Infrastructure Training Program certified electrician.

(b) Subdivision (a) does not apply to any of the following:

(1) Electric vehicle charging infrastructure installed by employees of an electrical corporation or local publicly owned electric utility.

(2) Electric vehicle charging infrastructure funded by moneys derived from credits generated from the Low Carbon Fuel Standard Program (Subarticle 7 (commencing with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations).

(3) Single-family home residential electric vehicle chargers that can use an existing 208/240-volt outlet.

(c) An electrician apprenticeship program approved by the Division of Apprenticeship Standards or a continuing education provider approved by the Department of Industrial Relations to provide training to electricians may provide apprentices with Electric Vehicle Infrastructure Training Program training with their own Electric Vehicle Infrastructure Training Program certified instructors. The Electric Vehicle Infrastructure Training Program certification exam shall be administered by the Electric Vehicle Infrastructure Training Program.

(d) The Electric Vehicle Infrastructure Training Program shall provide copies of its Electric Vehicle Infrastructure Training Program curriculum and any updates or revisions to any Electric Vehicle Infrastructure Training Program certified instructor within 30 days of a request or when the curriculum is updated.

(e) (1) No later than May 1, 2021, and periodically thereafter, the Energy Commission, in consultation with the commission, shall conduct joint public workshops to determine if the Electric Vehicle Infrastructure Training Program curriculum and testing should be supplemented to include updated or additional topics necessary to ensure safe installation of charging infrastructure. In conducting the workshops, the Energy Commission shall seek public input from entities, including from labor groups, electrical contractors, electric vehicle service providers, and the Electric Vehicle Infrastructure Training Program. The Energy Commission's determination shall consider cost, cost effectiveness, consensus in the industry, market penetration of new technologies, and the availability of supplemental training from other sources. The Energy Commission's determination shall be reasonable, supplemental, and shall maintain the existing scope and rigor of the Electric Vehicle Infrastructure Training Program curriculum and testing. The Energy Commission shall not require the Electric Vehicle Infrastructure Training Program to provide product-specific training. If the Energy Commission determines that the Electric Vehicle Infrastructure Training Program should be supplemented, the Electric Vehicle Infrastructure Training Program shall incorporate this supplemental curriculum and testing within six months of final action by the Energy Commission, unless additional time is reasonably required. The Electric Vehicle Infrastructure Training Program may incorporate supplemental curriculum and testing either as a California-specific supplement to the Electric Vehicle Infrastructure Training Program certification or as part of the standard Electric Vehicle Infrastructure Training Program certification.

(2) As part of the first workshop pursuant to paragraph (1), the Energy Commission, in consultation with the commission, shall evaluate whether additional training and testing is needed to safely install direct current fast charging infrastructure, high voltage charging infrastructure, or charging infrastructure for medium- and heavy-duty vehicles.

(f) Electric Vehicle Infrastructure Training Program training shall qualify as part of the 32 hours of further electrical education that a California certified electrician is required to complete every three years pursuant to Section 291.5 of Title 8 of the California Code of Regulations.

(g) Except as provided in subdivision (h), subdivision (a) applies to all work performed on or after January 1, 2022, pursuant to any decision made on or after January 1, 2021, by the commission, the Energy Commission, or the State Air Resources Board.

(h) (1) Subdivision (a) applies to any work performed after January 1, 2021, pursuant to decisions described in subdivision (a) of Section 740.18.

(2) Subdivision (a) does not apply to electric vehicle charging infrastructure and equipment that is subject to any agreements or contracts with any public agency entered into prior to January 1, 2021, even if it is funded or authorized after January 1, 2021.

(i) Not later than March 1, 2021, the Electric Vehicle Infrastructure Training Program shall offer Electric Vehicle Infrastructure Training Program courses in an online format. The online format shall remain available through December 31, 2024.

**SEC. 5.** Chapter 8.7 (commencing with Section 1600) is added to Part 1 of Division 1 of the Public Utilities Code, to read:

**CHAPTER 8.7. School Energy Efficiency Stimulus Program**

**Article 1. General Provisions and Definitions**

**1600.** The Legislature finds and declares all of the following:

(a) The School Energy Efficiency Stimulus Program, established pursuant to Section 1610, is intended to save energy, create jobs in a time of economic crisis, and provide direct support to schools and school children in underserved communities.

(b) The combined extraordinary crises of the COVID-19 pandemic and the economic recession require mustering all possible state resources to protect our most vulnerable populations while also bolstering the economy as a whole.

(c) There is no program in California dedicated to improving ventilation and energy efficiency in California schools at the scale required to safely prepare schools for operating during the COVID-19 pandemic. This program is vitally needed to protect the health, safety, and ability to learn for California's school children and the health of California's teachers.

(d) There is no program in California dedicated to replacing old, inefficient plumbing fixtures that waste potable water (and the energy needed to treat and convey that water) and that have high lead content that can leach into student's drinking water. This program is needed to replace inefficient fixtures and appliances in schools, which would save approximately 6 billion gallons of water a year and protect student health.

(e) It is the intent of the Legislature to advance high-quality jobs in underserved communities by increasing demand for skilled workers to implement this work.

(f) The School Energy Efficiency Stimulus Program is an urgent energy efficiency measure. This program will reduce energy use in schools that otherwise would result from repairs and upgrades to school ventilation systems that are necessary to meet current classroom ventilation requirements and applicable COVID-19 school reopening guidance. This program will also replace old, out-of-date fixtures and hot-water appliances that waste significant amounts of water and energy compared to the standards required for current fixtures and appliances. All ratepayers will benefit from the reduction in system load resulting from this program.

**1601.** For purposes of this chapter, the following terms have the following meanings:

(a) "Local educational agency" means a school district as defined in Section 41302.5 of the Education Code or a charter school that has been granted a charter pursuant to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code.

(b) "SRVEVR Program" means the School Reopening Ventilation and Energy Efficiency Verification and Repair Program as specified in Article 3 (commencing with Section 1620).

(c) "Skilled and trained workforce" has the same meaning as set forth in Section 2601 of the Public Contract Code.

(d) "SNPFA Program" means the School Noncompliant Plumbing Fixture and Appliance Program as specified in Article 4 (commencing with Section 1630).

(e) "Underserved community" means a community that meets one of the following criteria:

(1) Is a "disadvantaged community" as defined by subdivision (g) of Section 75005 of the Public Resources Code.

(2) Is included within the definition of "low-income communities" as defined by paragraph (2) of subdivision (d) of Section 39713 of Health and Safety Code.

(3) Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen.

(4) Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program.

(5) Is a community located on lands belonging to a federally recognized California Indian tribe.

(f) "Utility" or "utilities" means both of the following:

(1) An electrical corporation with 250,000 or more customer accounts within the state.

(2) A gas corporation with 400,000 or more customer accounts within the state.

## **Article 2. School Energy Efficiency Stimulus Program**

**1610.** By no later than February 1, 2021, the utilities shall file a joint advice letter pursuant to Section 5.1 of General Order 96-B, to fund a joint School Energy Efficiency Stimulus Program as part of each of their energy efficiency portfolios. The School Energy Efficiency Stimulus Program shall be a joint program among all the participating utilities that shall be consistent across the utility territories and shall be designed, administered, and implemented by the Energy Commission as the program administrator. The commission shall approve the advice letter no later than March 1, 2021. The School Energy Efficiency Stimulus Program shall consist of both of the following programs:

(a) The School Reopening Ventilation and Energy Efficiency Verification and Repair Program as specified in Article 3 (commencing with Section 1620).

(b) The School Noncompliant Plumbing Fixture and Appliance Program as specified in Article 4 (commencing with Section 1630).

**1611.** Each utility shall work with the Energy Commission to ensure the SRVEVR Program and SNPFA Program are operative and begin to solicit applications for grants on or before April 1, 2021, and begin to approve applications no later than May 1, 2021, subject to the availability of funds.

**1612.** Not less than 25 percent of projects funded by the SRVEVR Program or SNPFA Program shall be in underserved communities. The SRVEVR Program and SNPFA Program shall prioritize underserved communities by ensuring that all schools that are in an underserved community are offered the opportunity to apply for and receive grants before those schools that are not in an underserved community. Additionally, the SRVEVR Program shall prioritize schools with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor or within 1,000 feet of a facility holding a permit pursuant to Title V of the Clean Air Act (42 U.S.C. Section 7661 et seq.). For the purposes of this section, "freeway or other busy traffic corridors" has the same meaning as defined in paragraph (9) of subdivision (d) of Section 17213 of the Education Code.

**1613.** The SRVEVR Program and the SNPFA Program shall be considered a third-party program for compliance with the commission Decision 16-08-019 (August 18, 2016) Decision Providing Guidance for Initial Energy Efficiency Rolling Portfolio Business Plan Filings.

**1614.** (a) The Energy Commission, in collaboration with each utility, shall adopt guidelines and regulations for the SRVEVR Program and the SNPFA Program.

(b) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to the adoption of guidelines or regulations pursuant to this section.

(c) The Energy Commission shall adopt regulations or guidelines no later than May 1, 2021, and shall begin approving applications promptly upon their adoption.

(d) Other than the workforce qualification requirements, the technical and reporting requirements of the SRVEVR Program as set forth in Sections 1623 through 1627 of Article 3 (commencing with Section 1620) may be amended by the Energy Commission pursuant to subdivisions (a) and (b) of this section, as necessary, to reflect the latest COVID-19 or other applicable guidance, or otherwise to achieve the intent of the SRVEVR Program and to ensure consistency with related requirements and codes.

(e) The technical definitions in Section 1620 or 1630 may be amended by the Energy Commission, as necessary, to achieve the intent of the School Energy Efficiency Stimulus Program and to ensure consistency with related requirements and codes.

**1615.** (a) (1) The commission shall require each utility to fund the School Energy Efficiency Stimulus Program by allocating their energy efficiency budgets for program years 2021, 2022, and 2023, in both of the following amounts:

(A) An amount equal to the applicable percentage of the difference between the budget contained in each utility's 2020 annual budget advice letter approved as of July 1, 2020, and the annual portfolio funding limitation for program year 2020 as set forth in the 2018–2025 business plan of each utility as approved and modified in ordering paragraph 45 of the commission's Decision 18-05-041 (May 31, 2019) Decision Addressing Energy Efficiency Business Plans, as modified by Decision 20-02-029 (February 6, 2020) Order Modifying Decision (D.) 18-05-041 and Denying Rehearing of Decision, as Modified. The applicable percentage is 80 percent for program year 2021, 70 percent for program year 2022, and 60 percent for program year 2023.

(B) Any carryover amount from unspent and uncommitted energy efficiency funds for program year 2020, 2021, or 2022 to the School Energy Efficiency Stimulus Program for the following year's budget.

(2) Funding allocations required by this subdivision shall only apply to program years 2021, 2022, and 2023.



(3) Any funds allocated towards the School Energy Efficiency Stimulus Program pursuant to this section that remain unspent by the end of each program year may be carried over and contribute to the next year's budget for the School Energy Efficiency Stimulus Program until the end of the 2023 energy efficiency program year.

(b) (1) This section does not authorize the levy of a charge or any increase in the amount collected pursuant to an existing charge beyond the amounts authorized by the commission in Decision 18-05-041, or as modified by Decision 20-02-029, nor does it add to, or detract from, any existing authority of the commission to levy or increase charges.

(2) This subdivision does not change the commission's authority to determine revenue allocation and rate design, including its ability to prioritize customers participating in the California Alternative Rates for Energy or Family Electric Rate Assistance programs when considering appropriate revenue allocation for energy efficiency programs.

(c) The Energy Commission shall ensure that moneys from each utility for the School Energy Efficiency Stimulus Program are used for projects located in the service territory of that utility from which the moneys are received.

(d) The Energy Commission may use no more than 5 percent, not to exceed five million dollars (\$5,000,000) per year, of the SRVEVR Program and the SNPFA Program funds for administrating the programs, including providing technical support to program participants. The commission shall ensure that funds allocated to the Energy Commission pursuant to this section are transferred to an account specified by the Energy Commission within 60 days after the completion of the prior energy efficiency program year.

(e) All funds allocated in subdivision (a) shall be spent or returned to each utility by December 1, 2026.

(f) The Energy Commission may set application and encumbrance deadlines to ensure that the reversion of funds as required by subdivision (e) occurs by December 1, 2026.

(g) The Energy Commission shall take steps, consistent with Section 25230 of the Public Resources Code, to ensure that a diverse group of contractors are aware of funding opportunities available through the School Energy Efficiency Stimulus Program.

**1616.** Moneys for the School Energy Efficiency Stimulus Program for each program year shall be allocated as follows:

(a) Seventy-five percent to the SRVEVR Program.

(b) Twenty-five percent to the SNPFA Program.

**1617.** The School Energy Efficiency Stimulus Program advances the public interest in maximizing cost-effective energy savings and related public benefits, including ensuring that ratepayer investments unlock deeper energy savings and benefit underserved communities. Because the commission's current cost-effectiveness methodology does not fully take into account indirect and nonmonetary public benefits, that methodology shall not be applied to these projects. Expenditures on the School Energy Efficiency Stimulus Program shall be found to be cost effective and shall not be considered by the commission when calculating the overall cost-effectiveness of energy efficiency portfolios of electrical corporations or gas corporations.

**1618.** Reducing emissions of greenhouse gases and energy savings attributed to a project funded by the School Energy Efficiency Stimulus Program shall be attributed to the utility that provided those funds when determining compliance with applicable greenhouse gas or energy efficiency saving mandates. The baseline for determining reductions in emissions of greenhouse gases and energy savings from the SRVEVR Program shall be the energy demand and emissions of greenhouse gases that would have occurred if ventilation and filtration recommendations for reopening schools were met without the assessment, adjustment, maintenance, repairs, and efficiency upgrades funded pursuant to the program.

**Article 3. School Reopening Ventilation and Energy Efficiency Verification and Repair Program**

**1620.** For purposes of this article, the following definitions apply:

(a) "Certified TAB Technician" means a technician certified to perform testing, adjusting, and balancing of HVAC systems by the Associated Air Balance Council (AABC), the National Environmental Balancing Bureau (NEBB), or the Testing, Adjusting and Balancing Bureau (TABB).

(b) "HVAC" means heating, ventilation, and air conditioning.

(c) "Licensed Professional" means a professional eligible under Division 3 (commencing with Section 5000) of the Business and Professions Code in the applicable classification, to perform system design, construction, or installation of features, materials, components, or manufactured devices for mechanical systems.

(d) "MERV" means minimum efficiency reporting value.

(e) "ppm" means parts per million.

(f) "Program" means the School Reopening Ventilation and Energy Efficiency Verification and Repair Program.

(g) "Qualified adjusting personnel" means either of the following:

- (1) A certified testing, adjusting, and balancing (TAB) technician.
- (2) A skilled and trained workforce under the supervision of a TAB Technician.

(h) "Qualified testing personnel" means either of the following:

- (1) An HVAC acceptance test technician certified to complete the forms set forth in subparagraph (B) of paragraph (1) of subdivision (b) of Section 10-103.2 of Part 1 of Title 24 of the California Code of Regulations by an Acceptance Test Technician Certification Provider (ATTCP) that is approved by the Energy Commission to provide that certification.
- (2) A certified testing, adjusting and balancing (TAB) technician.

(i) "TAB" means testing, adjusting, and balancing.

**1621.** (a) The Energy Commission, in collaboration with each utility, shall develop and administer the School Reopening Ventilation and Energy Efficiency Verification and Repair Program to award grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted, and, if necessary or cost effective, repaired, upgraded, or replaced to increase efficiency and performance.

(b) A local educational agency may apply for a grant pursuant to the program by submitting an application for reasonable costs of the HVAC assessment, assessment report, general maintenance, adjustment of ventilation rates, filter replacement, and carbon dioxide monitor installation.

(c) (1) The Energy Commission shall award a grant pursuant to this article if the amount requested in the application is verified by a contractor's estimate and the local educational agency meets other requirements determined by the Energy Commission to be appropriate to achieve the purposes of this article. A grant shall be awarded in the amount requested plus an additional 20 percent of the requested amount for repairs, upgrades, or replacements necessary to make the system functional or more energy efficient.

(2) If a licensed professional identifies cost-effective energy efficiency upgrades or repairs that would exceed the additional 20 percent awarded, a local educational agency may apply for additional funding pursuant to this article for the cost-effective energy efficiency upgrades or repairs.

(3) The Energy Commission shall award a grant pursuant to this article for reimbursement of work already performed where the work was contracted and performed after August 1, 2020, and meets the requirements of Section 1622 to 1627, inclusive, and the local educational agency meets other requirements determined by the Energy Commission to be appropriate to achieve the purposes of this article.

(4) The 20-percent contingency funds set forth in paragraph (1) shall be returned to the SRVEVR Program if not used for the purposes specified in this subdivision. The local education agency shall provide the Energy Commission with documentation, as specified by the Energy Commission, demonstrating how contingency funds were spent.

(5) The Energy Commission shall have the authority to establish the timing of grant funding, including the ability to provide some or all funding in advance of the performance of work where requirements to ensure performance are established.

**1622.** As conditions for receiving a grant pursuant to this article, a local educational agency shall comply with the requirements of Sections 1623 to 1627, inclusive, for all air-handling units, rooftop units and unitary and single zone equipment in that facility's HVAC system or systems.

**1623.** (a) (1) The local educational agency receiving a grant shall install filtration with a minimum efficiency reporting value (MERV) of 13 or better in the local educational agency's HVAC system where feasible. Qualified testing personnel shall review system capacity and airflow to determine the highest MERV filtration that can be installed without adversely impacting equipment, shall replace or upgrade filters where needed, and shall verify that those filters are installed correctly. If a system uses ultraviolet germicidal irradiation (UVGI) to disinfect the air, the UVGI lamp shall be checked for proper operation, replacing bulbs as needed and verifying that the ultraviolet light does not shine on filters. Recommendations for additional maintenance, replacement, or upgrades to allow for more protective filtration shall be recorded in the assessment report required pursuant to Section 1626.

(2) For systems with economizers, qualified testing personnel shall test system economizer dampers pursuant to Section B of NRCA-MCH-05-A–Air Economizer Controls. Economizer dampers and controls that are not properly functioning shall be repaired by a skilled and trained workforce. Recommendations for additional maintenance, replacement, or upgrades shall be recorded in the assessment report.

(b) (1) After completing the requirements of subdivision (a), a qualified testing personnel shall verify the ventilation rates in the facility classrooms, auditoriums, gymnasiums, nurses offices, restrooms, and other occupied areas to assess whether they meet the minimum ventilation rate requirements set forth in Table 120.1-A of Part 6 (commencing with Section 100.0) of Title 24 California Code of Regulations. Assessment shall include all of the following:

(A) Calculation of the required minimum outside air ventilation rates for each occupied area based on the anticipated occupancy and the minimum required ventilation rate per occupant set forth in Table 120.1-A. Calculations shall be based on maximum anticipated classroom or other occupied area occupancy rates and determined by the performing technician. Natural Ventilation shall be designed in accordance with Section 402.2 of the California Mechanical Code (Part 4 (commencing with Section 1.1.0) of Title 24 of the California Code of Regulations) and shall include mechanical ventilation systems designed in accordance with Section 403.0, Section 404.0, or both of those sections, of the California Mechanical Code.

(B) Measurement of outside air pursuant to Section B of NRCA-MCH-02-A–Outdoor Air Acceptance and verification of whether the system provides the minimum outside air ventilation rates calculated in subparagraph (A).

(C) Survey readings of inlets and outlets to verify all ventilation is reaching the served zone and that there is adequate distribution. Verify if inlets and outlets are balanced within tolerance of the system design. Document read values and deficiencies. If the original system design values are not available, document available information and note unavailability of system design values in the assessment report.

(D) Verification of building pressure relative to the outdoors to ensure positive pressure differential and to ensure the building is not over pressurized.

(E) Verification of coil velocities and coil and unit discharge air temperatures required to maintain desired indoor conditions and to avoid moisture carry over from cooling coils.

(F) Verification that separation between outdoor air intakes and exhaust discharge outlets meet requirements of the California Building Code.

(G) Confirmation that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the system design.

(H) Measurement of all exhaust air volume for exhaust fans, including restrooms. Document any discrepancies from system design.

(2) If the system does not meet the minimum ventilation rate requirements set forth in Table 120.1-A, a licensed professional or qualified adjusting personnel shall review the system airflow and capacity to determine if additional ventilation can be provided without adversely impacting equipment performance and building indoor environmental quality. If additional ventilation can be provided, a qualified adjusting personnel shall adjust ventilation rates to meet the minimum ventilation rate requirements set forth in Table 120.1-A to the extent feasible. After the adjustment, the measurement and verifications required in subparagraphs (B), (D), and (E) of paragraph (1) shall be repeated. If minimum ventilation rate requirements set forth in Table 120.1-A cannot be met, this deficiency shall be reported in the assessment report and the verification report, and addressed by a licensed professional as required pursuant to Sections 1626 and 1627.

(c) If a demand control ventilation is installed, it shall be adjusted to a carbon dioxide set point of 800 ppm or less and tested by a qualified testing personnel pursuant to Section B of NRCA-MCH-06-A–Demand Control Ventilation Systems Acceptance. If the demand control ventilation system does not maintain average daily maximum carbon dioxide levels below 1,100 ppm, it shall be disabled until such time as the local educational agency determines that the COVID-19 crisis has passed, unless disabling the control would adversely affect operation of the overall system. When disabling a demand control ventilation system, the system must be configured to meet the minimum ventilation rate requirements and tested and adjusted in accordance with paragraph (3) of subdivision (a) of Section 1625. Recommendations for additional maintenance, replacement or upgrades shall be recorded in the assessment report.

(d) A qualified testing personnel or a skilled and trained workforce shall verify coil condition, condensate drainage, cooling coil air temperature differentials (entering and leaving dry bulb), heat exchanger operation, and drive assembly. If repairs, replacement, or upgrades are necessary, these deficiencies shall be reported in the assessment report and the verification report, and addressed by the licensed professional pursuant to Sections 1626 and 1627.

(e) A qualified testing personnel or qualified adjusting personnel shall do all of the following:

(1) Review control sequences to verify systems will maintain intended ventilation, temperature and humidity conditions during school operation. Previously unoccupied buildings shall perform the recommended practices of reopening a building as covered in the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Building Readiness document – Restarting a Building.

(2) Verify a daily flush is scheduled for two hours before and after scheduled occupancy or demonstrate calculation of flush times per ASHRAE Guidance for Reopening and Operating Schools and Buildings or otherwise applicable local or state guidance.

(3) Verify that HVAC system operational times, exhaust fans operation times, setpoints, and enabled features meet ASHRAE Guidance for Reopening and Operating Schools and Buildings or otherwise applicable local or state guidance.

(f) Requirements for filtration levels, ventilation rates, and ventilation schedules may be amended by the Energy Commission based on the latest COVID-19 or other applicable guidance.

**1624.** If installed HVAC systems or system components are broken, fail to meet minimum ventilation requirements, or are unable to operate to the original design and intent, this information will be set forth in the assessment report prepared pursuant to Section 1626 to be provided to a licensed professional for determination of appropriate corrective measures pursuant to Section 1626. Repairs, upgrades, or replacements shall be performed by a skilled and trained workforce.

**1625.** (a) To ensure proper ventilation is maintained throughout the school year, all classrooms shall be equipped with a carbon dioxide monitor that meets all of the following requirements:

(1) The monitor is hard-wired or plugged-in and mounted to the wall between three and six feet above the floor and at least five feet away from the door and operable windows.

(2) The monitor displays the carbon dioxide readings to the teacher through a display on the device or other means such as a web-based application or cellular phone application.

(3) The monitor provides a notification through a visual indicator on the monitor, such as an indicator light, or other alert system, such as an electronic mail, text, or cellular telephone application, when the carbon dioxide levels in the classroom have exceeded 1,100 ppm.

(4) The monitor maintains a record of previous data that includes at least the maximum carbon dioxide concentration measured.

(5) The monitor has a range of 400 ppm to 2000 ppm or greater.

(6) The monitor is certified by the manufacturer to be accurate within 75 ppm at 1,000 ppm carbon dioxide concentration and is certified by the manufacturer to require calibration no more frequently than once every five years.

(b) If a classroom carbon dioxide concentration exceeds 1,100 ppm more than once a week as observed by the teacher or the facilities staff, the classroom ventilation rates shall be adjusted by qualified personnel to ensure peak carbon dioxide concentrations in the classroom remain below the maximum allowable carbon dioxide ppm setpoint. Verification of the installation of carbon dioxide monitors in all classrooms shall be included in the assessment report required pursuant to Section 1626.

(c) The requirements of paragraphs (1) to (6), inclusive, of subdivision (a) may be amended by the Energy Commission as necessary to reflect available technology and to achieve the intent of this section.

**1626.** A qualified testing personnel or qualified adjusting personnel shall prepare an assessment report for review by a licensed professional. The licensed professional shall review the assessment report and determine what, if any, additional adjustments or repairs would be necessary to meet the minimum ventilation and filtration requirements, determine whether any cost-effective energy efficiency upgrades or replacements are warranted or recommended, and provide an estimated cost for this work. If the cost of recommended repairs, upgrades, or replacements are greater than the contingency amount provided in the grant, then the licensed professional and the local educational agency shall submit an application for additional funding pursuant to this article. The provision of any additional funding for repairs, upgrades, or replacements shall be conditioned on the applicant ensuring that all construction work funded, in whole or in part, by the additional funding is performed by a skilled and trained workforce. The assessment report shall include all of the following information:

(a) Name and address of school facility and person or contractor preparing and certifying assessment report.

(b) Documentation of HVAC equipment model number, serial number, general condition of unit, and any additional information that could be used to assess replacement and repair options given potential for increased energy efficiency benefits.

(c) Either verification that MERV 13 filters have been installed or verification that the maximum MERV-rated filter that the system is able to effectively handle has been installed and what that MERV-rating is.

(d) The verified ventilation rates for facility classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, offices, and other occupied areas, and whether those rates meet the requirements set forth in Table 120.1-A. If ventilation rates do not meet applicable requirements, then an explanation for why the current system is unable to meet those rates shall be provided.

(e) The verified exhaust for facility classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, and other occupied areas and whether those rates meet the requirements set forth in the design intent.

(f) Documentation of system deficiencies and recommendations for additional maintenance, replacement, or upgrades to improve energy efficiency, safety, or performance.

**1627.** (a) Upon completion of all work funded by a grant pursuant to this article, the local educational agency shall prepare an HVAC verification report. The HVAC verification report shall include all of the following information:

(1) Name and address of school facility and person or contractor preparing and certifying report.

(2) Description of assessment, maintenance, adjustment, repair, upgrade, and replacement activities and outcomes.

(3) Verification that the local educational agency has complied with all requirements of this article.

(4) Verification that either MERV 13 filters have been installed or verification that the maximum MERV-rated filter that the system is able to effectively handle has been installed and what that MERV-rating is.

(5) The verified ventilation rates for facility classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, offices and other occupied areas and whether those rates meet the requirements set forth in Table 120.1-A. If ventilation rates do not meet applicable guidance, then an explanation for why the current system is unable to meet those rates shall be provided.

(6) The verified exhaust for facility classrooms, auditoriums, gymnasiums, nurses' offices, restrooms, and other occupied areas and whether those rates meet the requirements set forth in the design intent.

(7) Documentation of system deficiencies and recommendations for additional maintenance, replacement, or upgrades to improve energy efficiency, safety, or performance.

(8) Documentation of initial operating verifications, adjustments, and final operating verifications, and document any adjustments or repairs performed.

(9) Verification of installation of carbon dioxide monitors, including make and model of monitors.

(10) Verification that all work has been performed by qualified personnel, including the provision of the contractor's name and license, acceptance test technician name and certification number, where applicable, TAB technician name and certification number, where applicable, and verification that all construction work has been performed by a skilled and trained workforce.

(b) The local educational agency shall maintain a copy of the HVAC verification report and make it available to any member of the public or the Energy Commission upon request.

#### **Article 4. School Noncompliant Plumbing Fixture and Appliance Program**

**1630.** For purposes of this article, the following terms have the following meanings:

(a) "Noncompliant appliance" means all of the following:

(1) Any commercial dishwasher that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the Energy Star Product Specification for Commercial Dishwashers, Version 1.1.

(2) Any automatic commercial ice maker that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the Energy Star Product Specification for Automatic Commercial Ice Makers, Version 1.0.

(3) Any commercial clothes washer that was manufactured prior to January 1, 2010, that does not meet the efficiency requirement of the Energy Star Product Specification for Clothes Washers, Version 5.0.

(b) "Noncompliant plumbing fixtures" and "water-conserving plumbing fixtures" have the same meanings set forth in Section 1101.3 of the Civil Code.

(c) "Water-conserving appliance" means any of the following:

(1) A commercial dishwasher that meets the criteria of the Energy Star Product Specification for Commercial Dishwashers, Version 2.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the Energy Commission for the program.

(2) An automatic commercial ice maker that meets the criteria of the Energy Star Product Specification for Automatic Commercial Ice Makers, Version 3.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the Energy Commission for the program.

(3) Any commercial clothes washer that meets the criteria of the Energy Star Product Specification for Clothes Washers, Version 8.0, or any revision to those criteria published by the United States Environmental Protection Agency that is adopted by the Energy Commission for the program.

**1631.** The Energy Commission, in collaboration with each utility, shall develop and administer the School Noncompliant Plumbing Fixture and Appliance Program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards and waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances.

**1632.** On or before April 1, 2021, the Energy Commission shall issue a notice to local educational agencies of the availability of grants under the School Noncompliant Plumbing Fixture and Appliance Program and to invite local educational agencies to submit applications.

**1633.** (a) The Energy Commission shall award a grant pursuant to this article if an applicant submits documents showing the existence of noncompliant plumbing fixtures or appliances in the buildings for which the grant funding will be used and a cost estimate that is verified by a contractor for the replacement of the noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and water-conserving appliances, and the applicant meets other requirements determined by the Energy Commission to be appropriate to achieve the purposes of this article.

(b) As a condition of the grant, an applicant receiving a grant shall ensure that all construction work funded, in whole or in part, by the grants are performed by a skilled and trained workforce.

(c) The Energy Commission is authorized to provide technical assistance or award grants pursuant to the School Noncompliant Plumbing Fixture and Appliance Program to assist local educational agencies in identifying noncompliant plumbing fixtures and noncompliant appliances eligible for replacement pursuant to this article.

**Article 5. Repealer**

**1640.** This chapter shall remain in effect only until January 1, 2027, and as of that date is repealed.

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