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MEMORANDUM

TO: Reporting Entities and All Persons Interested in the Power Source Disclosure Program

FROM: Energy Assessments Division Staff

SUBJECT: Regulatory Advisory to Clarify Scrivener's Error in Section 1394(b)(1)(C)

DATE: October 13, 2025

This is to advise that the recent adoption of regulations amending the Power Source Disclosure Program (PSD Program) operative on June 18, 2025, includes a cross-referencing error due to a scrivener's mistake during the renumbering and reordering of prior and new text.

California Code of Regulations, Title 20, Section 1394 (b)(1)(C) states: "The auditor shall agree any excluded emissions meet the requirements pursuant to section 1392(b)(6)." Section 1392(b)(6) doesn't exist. **The correct cross-reference should be "Section 1393.1(d) (GHG emissions exclusions)."**

- Section 1394(b)(1)(C) – which was formerly numbered Section 1394.2(b)(1)(C) – previously referenced GHG emissions exclusions which were previously promulgated in Section 1393 (Accounting Methodology) subdivisions (d)(1) & (d)(2).
- Section 1393.1, subdivisions (d)(2) & (d)(3) contain the language previously promulgated in former Section 1393 (Accounting Methodology) subdivisions (d)(1) & (d)(2), with the exception of updated cross references. The initial proposed text published on May 17, 2024, and Initial Statement of Reasons (ISOR) published concurrently on page 39 explains the need for this reorganization.
- Section 1393.1, subdivision (d)(1) contains new language published in the initial proposed text on May 17, 2024, and the rationale for the language is explained in the ISOR on pages 38-39.
- These reorganized and new provisions remained unchanged in the subsequent published updates to the proposed text and final adopted language.

This advisory does not include new procedures, standards or rules that were not proposed, analyzed, or available for public comment during the PSD Program rulemaking. Staff regrets any confusion generated by this renumbering error.