

DOCKETED

Docket Number:	18-OIR-02
Project Title:	Proposal to repeal the outdated Energy Conservation Assistance Act (ECAA) regulations
TN #:	230815
Document Title:	Resolution Repealing ECCA Regulations
Description:	N/A
Filer:	Cody Goldthrite
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	11/20/2019 2:09:49 PM
Docketed Date:	11/20/2019

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**ENERGY CONSERVATION
ASSISTANCE ACT (ECAA)
RULEMAKING**

Docket No. 18-OIR-02

**RESOLUTION REPEALING ECAA
REGULATIONS**

WHEREAS, on July 12, 2019, the State Energy Resources Conservation and Development Commission (CEC) mailed and posted on the CEC's website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to repeal the Energy Conservation Assistance Act (ECAA) Regulations, the Express Terms of the proposed repeal, an Initial Statement of Reasons (ISOR) describing the rationale for the repeal; and

WHEREAS, on July 12, 2019, the NOPA was published in the California Regulatory Notice Register; and

WHEREAS, on July 18, 2019, the CEC posted on its website an updated NOPA to correct the Webex link for the public hearing; and

WHEREAS, on August 26, 2019, the CEC mailed and posted on its website a Revised NOPA to all the recipients specified in Government Code section 11346.4(a)(1)-(4) to correct links, correct the publication date, change the public hearing date, and extend the public comment period; and

WHEREAS, on October 10, 2019, the 45-day comment period established by the Revised NOPA closed; and

WHEREAS, on October 11, 2019, the CEC held a public hearing to hear comments on the proposed repeal; and

WHEREAS, on November 1, 2019, the CEC provided notice designating November 13, 2019 as the date for the hearing to consider adoption of the proposed repeal and its adoption and did so adopt the repeal.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed repeal and concluded that the proposed repeal is exempt from CEQA under the common sense exemption [Cal. Code Regs., tit. 14, § 15061 subd. (b)(3)] because the proposed repeal will not affect how the ECAA Program is implemented and therefore it can be seen with certainty that there is no possibility that the proposed repeal may have a significant effect on the environment; and

With regard to the Administrative Procedure Act:

- The proposed repeal will not create new businesses, eliminate existing businesses, or result in the expansion of businesses currently doing business in California and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed repeal will not create or eliminate jobs within California; and
- The proposed repeal will impose no direct costs, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts; and
- The proposed repeal will result in no costs or savings in federal funding to the State of California; and
- The proposed repeal will result in no costs or savings to any state agency; and
- The proposed repeal will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed repeal will have no impact on housing costs; and
- The proposed repeal will have no significant, statewide adverse economic impact on businesses in general or small businesses in particular; and
- The proposed repeal will result in no cost impacts to representative private persons or businesses in reasonable compliance with the repeal; and
- The proposed repeal will not impact the health and welfare of California residents, worker safety, or the state's environment; and
- The proposed repeal has no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed repeal will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed repeal will not require completion of any report; and
- No written comments were received during the 45-day comment period and one comment was received at the public hearing and the comment and nothing else

in the record justified any changes to the proposed repeal as published on July 12, 2019.

THEREFORE BE IT RESOLVED, on the basis of the entire record before it, the CEC finds that the proposed repeal is exempt from CEQA under the common sense exemption (Cal. Code Regs., tit. 14, § 15061 subd. (b)(3).) because the proposed repeal will not affect how the ECAA Program is implemented and therefore it can be seen with certainty that there is no possibility that the proposed repeal may have a significant effect on the environment; and

FURTHER BE IT RESOLVED, after considering the entire record before it, the CEC hereby repeals the ECAA Regulations, as set forth in the express terms that were published on July 12, 2019 (Cal. Code of Regs., tit. 20, §§ 1650-1655.). The CEC takes this action under the authority of section 25218(e) of the Public Resources Code, which authorizes the CEC to adopt rules or regulations, as necessary, to implement, inter alia, Public Resources Code sections 25412, 25413, 25415(a), and 25419; and

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record can be found at the California Energy Commission, 1516 9th Street, Sacramento, California, 95814 in the custody of the Docket Unit; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed repeal go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Exemption with the State Clearinghouse.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on November 13, 2019.

AYE: Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: Hochschild

ABSTAIN: None



Cody Goldthrite
Secretariat