

**DOCKETED**

<b>Docket Number:</b>	16-OIR-05
<b>Project Title:</b>	Power Source Disclosure - AB 1110 Implementation Rulemaking
<b>TN #:</b>	231267
<b>Document Title:</b>	Resolution Adopting Regulations
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

*IN THE MATTER OF:*

**MODIFICATION OF REGULATIONS  
GOVERNING THE POWER SOURCE  
DISCLOSURE PROGRAM**

**Docket No. 16-OIR-05**

**RESOLUTION ADOPTING  
REGULATIONS**

**WHEREAS**, on September 6, 2019, the State Energy Resources Conservation and Development Commission (“California Energy Commission” or 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 adopt proposed regulations for the Power Source Disclosure program, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

**WHEREAS**, on September 6, 2019, the NOPA was published in the California Regulatory Notice Register; and

**WHEREAS**, on October 4, 2019 the CEC published an Initial Study and Proposed Negative Declaration for the proposed regulations and published and submitted to the State Clearinghouse a Notice of Intent to Adopt a Negative Declaration, concluding that the proposed regulations would not result in any significant adverse impacts to the environment; and

**WHEREAS**, on October 7, 2019, the CEC held a Lead Commissioner Workshop on the regulations; and

**WHEREAS**, on October 11, 2019, the CEC published a Notice of Extension of Comment Period; and

**WHEREAS**, on October 28, 2019, the initial written comment period closed; and

**WHEREAS**, on November 8, 2019, the CEC postponed the Public Hearing noticed in the NOPA;

**WHEREAS**, on November 25, 2019, the CEC issued a Notice of Availability of 15-Day Language and Notice of New Public Hearing Date, rescheduling the Public

Hearing to December 11, 2019 and establishing a written public comment period for the revised language ending on December 10, 2019; and

**WHEREAS**, on December 11, 2019, the CEC held a public hearing to receive comments on the proposed regulations and to consider its adoption and did so adopt the regulations.

**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 regulations and concluded that the proposed regulations will not have any direct, indirect, or cumulatively considerable significant adverse effect on the environment; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not 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 regulations would impose a mandate on local agencies that are electric service providers in terms of what they must report and how they may report it, but the mandate would not directly result in increased costs, and any costs incurred indirectly would not be required to be reimbursed because local agencies have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service; and
- The proposed regulations will impose no direct costs, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, other than the mandate discussed above; and
- The proposed regulations are will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in marginal costs to the CEC for implementation, but no costs or savings to any other state agency; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will have no significant, statewide adverse economic impact on businesses in general or small businesses in particular; and
- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and

- The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state's environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the statutes for which it is proposed, 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 regulations 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 regulations will not require completion of any new report, but minimal additional information will be required. It is necessary for the health, safety, and welfare of the people of the state that these regulations apply to business; and
- None of the comments received during the comment period or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on November 25, 2019.

**THEREFORE BE IT RESOLVED**, after considering the Initial Study, and all related materials in the record, the CEC finds that (1) there is no substantial evidence that the adoption of the proposed amendments to the Power Source Disclosure Program regulations will have a significant effect on the environment, and (2) the Negative Declaration reflects the CEC's independent judgment and analysis. The CEC hereby adopts the Negative Declaration and Initial Study published on October 4, 2019. Documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based can be found at the Warren-Alquist State Energy Building, 1516 9<sup>th</sup> Street, Sacramento, California, 95814 in the custody of the Docket Unit.

**FURTHER BE IT RESOLVED**, additionally, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the amendments to its Power Source Disclosure Program regulations, as set forth in the express terms that were published on November 25, 2019 (Cal. Code of Regs., tit. 20, §§ 1390-1394.2).

The CEC takes this action under the authority of sections 25213 and 25218(e) of the Public Resources Code, which authorize the CEC to adopt rules or regulations, as reasonable and necessary, to implement, inter alia, Public Utilities Code section 398.1 et seq; and

**FURTHER BE IT RESOLVED**, that documents and other materials that constitute the rulemaking record can be found at the Warren-Alquist State Energy Building, 1516 9<sup>th</sup> 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 regulations 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 Determination 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 December 11, 2019.

AYE: Hochschild, Scott, Douglas, Monahan

NAY: None

ABSENT: McAllister

ABSTAIN: None

Original Signed by:

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Cody Goldthrite  
Secretariat