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<th>20-FDAS-01</th>
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<td><strong>Project Title:</strong></td>
<td>Flexible Demand Appliance Standards</td>
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<td><strong>TN #:</strong></td>
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<td><strong>Document Title:</strong></td>
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<tr>
<td><strong>Description:</strong></td>
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<td><strong>Filer:</strong></td>
<td>Sean Steffensen</td>
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<tr>
<td><strong>Organization:</strong></td>
<td>California Energy Commission</td>
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<td><strong>Submitter Role:</strong></td>
<td>Commission Staff</td>
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Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 4.1. Flexible Demand
Article 1. Flexible Demand Appliance Standards

Adopt Chapter 4.1, Article 1 and the following new sections 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, and 1695 into Title 20, California Code of Regulations, to read as follows:

Section 1686. Scope.

This Article applies to the following types of new appliances sold or offered for sale, rented, leased, or introduced into commerce in California. Unless otherwise specified, each provision applies only to units manufactured on or after the effective date of the provision.

(a) Electric clothes dryers.
   (1) Compact clothes dryers
   (2) Standard clothes dryers

(b) Dishwashers.
   (1) Compact dishwashers
   (2) Standard dishwashers

(c) Pool pump controls.

(d) Thermostats.
   (1) Low-voltage system thermostats

Note:
Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

Section 1687. Definitions.

(a) In this Article the following definitions apply.

(b) General Definitions.
   “Accessible place” means a place on an appliance that can be easily seen without the need for tools to remove any covering.
   “Authorized entities” means the owner of the equipment, the user of the equipment, or the owner’s or user’s delegated agent.
   "Basic model" means all units of a given type of appliance (or class thereof) that are manufactured by the same manufacturer or manufacturers, have the same primary energy source, and have the same electrical, physical, or functional characteristics that affect compliance with a flexible demand standard.
“Connected device” means any device that is capable of connecting to the Internet, and that is assigned an Internet Protocol address or Bluetooth address.

“Consent” means a customer’s permission or agreement to use the capabilities of an appliance subject to this Article to schedule, shift, or curtail its use through direct action by the customer or by a third party, load-serving entity, or a grid balancing authority. Consent may be express or implied.

“Consumer product” means any appliance or device which consumes energy, controls the energy consumption of another device or appliance, or charges a battery and which is distributed in commerce for personal use by individuals.

“Delay timer” means a control that allows the user to delay the start of the appliance cycle up to 24 hours in increments no larger than 1 hour.


“Executive Director” means the Executive Director of the Energy Commission or their designee.

“FAD” means the Flexible Appliance Database established pursuant to section 1693(c) of this Article and maintained by the Energy Commission.

“Flexible demand” means the capability to schedule, shift, or curtail the electrical demand of a load-serving entity’s customer through direct action by the customer or through action by a third party, the load-serving entity, or a grid balancing authority, with the customer’s consent.

“Load-serving entity” means an electrical corporation, electric service provider, or community choice aggregator. “Load-serving entity” does not include any of the following:

1. a local publicly owned electric utility;
2. The State Water Resources Development System commonly known as the State Water Project; or
3. customer generation located on the customer’s site or providing electric service through arrangements authorized by Public Utilities Code Section 218, if the customer generation, or the load it serves, meets one of the following criteria:
   (A) it takes standby service from the electrical corporation on a California Public Utilities Commission-approved rate schedule that provides for adequate backup planning and operating reserves for the standby customer class;
   (B) it is not physically interconnected to the electrical transmission or distribution grid, so that, if the customer generation fails, backup electricity is not supplied from the electrical grid; or
   (C) there is physical assurance that the load served by the customer generation will be curtailed concurrently and commensurately with an outage of the customer generation.
“Logical” means accessible through a hardware or software interface.

“Manufacturer” means any person engaged in the production or assembly of an appliance or commercial and industrial equipment, or any person that has responsibility for the production or assembly of an appliance.

“Model” means any collection of appliance units to which the manufacturer has assigned the same model number.

“Model number” means a combination of letters, digits, or characters representing the manufacturer, brand, design, or performance of an appliance.

(b) Electric Clothes Dryers.

“Compact electric clothes dryer” means an electric clothes dryer with a drum capacity less than 4.4 ft³.

“Electric clothes dryer” means a consumer product and a cabinet-like appliance designed to dry fabrics in a tumble-type drum with forced air circulation. The heat source is electricity and the drum and blower(s) are driven by an electric motor(s).

“Standard electric clothes dryer” means an electric clothes dryer with a drum capacity of 4.4 ft³ or greater.

(c) Dishwashers.

“Compact dishwasher” means a dishwasher that has a capacity of less than eight place settings plus six serving pieces as defined in 10 C.F.R. part 430, Appendix C1 of subpart B.

“Dishwasher” means a consumer product and a cabinet-like appliance which with the aid of water and detergent, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils, and most cooking utensils by chemical, mechanical and/or electrical means and discharges to the plumbing drainage system.

“Standard dishwasher” means a dishwasher that has a capacity equal to or greater than eight place settings plus six serving pieces as defined in 10 C.F.R., part 430, Appendix C1 of subpart B.

(d) Pool Pump Controls.

“Pool pump control” means any component or group of components that controls or causes the pool filter pump to start or stop operation.

“Pool filter pump” means an end suction pump that:

(1) either:

(A) includes an integrated basket strainer; or

(B) does not include an integrated basket strainer, but requires a basket strainer for operation, as stated in manufacturer literature provided with the pump; and
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(2) may be distributed in commerce connected to, or packaged with, a sand filter, removable cartridge filter, or other filtration accessory, provided that the filtration accessory is connected with consumer-removable connections that allow the filtration accessory to be bypassed.

(e) Thermostats.

“Class 2 circuit” means a system that has the current limited as follows:
(1) maximum 20 volts, 5 amperes. Circuits in which the open-circuited voltage does not exceed 20 volts and having overcurrent protection of not more than 5 amperes rating when overcurrent protection is required; and
(2) 20 to 30 volts, 3.3 amperes. Circuits in which the open-circuited voltage exceeds 20 volts but does not exceed 30 volts and having overcurrent protection of not more than 3.3 amperes rating when overcurrent protection is required.

“Low voltage thermostat” means a thermostat that acts to automatically control the temperature of the room or space in which it is installed by controlling the applied energy to a low-voltage operating control in a Class 2 circuit.

“Thermostat” means a device that uses a switch to sense and control room temperature through communication with heating, ventilating, or air-conditioning equipment. “Thermostat” includes a thermostat used to sense and control room temperature in residential, commercial, industrial, and other buildings, but does not include a thermostat used to sense and control temperature as part of a manufacturing process.

Note:
Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

Section 1688. General Testing Requirements.

(a) If section 1690 of this Article requires that a specific appliance type be tested, then the manufacturer shall cause the testing of units of each basic model of appliance within the scope of this Article and comply with the applicable provisions of this section.

(1) The testing shall be at a laboratory that:
   (A) has conducted tests using the applicable test method within the previous 12 months;
   (B) agrees to and does interpret and apply the applicable test method set forth in section 1690 of this Article precisely as written;
   (C) has, and keeps properly calibrated and maintained, all equipment, material, and facilities necessary to apply the applicable test method precisely as written;
   (D) agrees to and does maintain copies of all test reports, and provides any such report to the Executive Director on request, for all basic models that are still in commercial production; and
(E) agrees to and does allow the Executive Director to witness any test of such an appliance on request, up to once per calendar year for each basic model.

(b) Please see section 1690 of this Article for additional testing requirements for specific appliances.

Note:
Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

Section 1689: General Marking Requirements.

(a) Every unit of every appliance within the scope of this Article shall comply with the applicable provisions of this section.

(b) The following information shall be permanently, legibly, and conspicuously displayed on an accessible place on each unit.

(1) manufacturer’s name or brand name or trademark;

(2) model number; and

(3) date of manufacture, indicating (i) year and (ii) month or smaller (e.g. week) increment. If the date is in a code, the manufacturer shall immediately, on request, provide the code to the Energy Commission.

(c) See section 1690 of this Article for additional marking requirements for specific appliances.

Note:
Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

Section 1690: Appliance Specific Standards and Requirements.

(a) Every unit of every appliance within the scope of this Article shall comply with the applicable provisions of this section.

(b) Electric clothes dryers.

(1) Testing requirements. None.

(2) Flexible demand appliance standards. All electric clothes dryers manufactured on or after January 1, 2024 shall meet the following standards.

(A) Electric clothes dryers shall have a delay timer.

(B) Electric clothes dryers shall be a “connected device” as defined in section 1687 of this Article.
(3) **Marking Requirements.** The general marking requirements shown in section 1689 of this Article must be met. There are no additional marking requirements for electric clothes dryers.

(4) **Reliability and cybersecurity standards.** The general reliability and cybersecurity standards shown in section 1691 of this Article must be met. There are no additional reliability and cybersecurity standards for electric clothes dryers.

(c) **Dishwashers.**

(1) **Testing requirements.** None.

(2) **Flexible demand appliance standards.** All dishwashers manufactured on or after January 1, 2024 shall meet the following standards.

(A) Dishwashers shall have a delay timer.

(B) Dishwashers shall be a “connected device” as defined in section 1687 of this Article.

(3) **Marking Requirements.** The general marking requirements shown in section 1689 of this Article must be met. There are no additional marking requirements for dishwashers.

(4) **Reliability and cybersecurity standards.** The general reliability and cybersecurity standards shown in section 1691 of this Article must be met. There are no additional reliability and cybersecurity standards for dishwashers.

(d) **Pool pump controls.**

(1) **Testing requirements.** None.

(2) **Flexible demand appliance standards.** All pool pump controls manufactured on or after January 1, 2024 shall meet the following standards.

(A) Pool pump controls shall be a “connected device” as defined in section 1687 of this Article.

(B) **Time-of-Use Rate Schedules.**

1. The pool pump controls shall have the clock and scheduling capabilities:

   a. In the event of a loss of power, the system settings, including operating mode, time-of-use schedules, and local clock, shall be retained for at least three months.

   b. The pool pump control shall automatically transition between standard time and daylight time.

   c. The pool pump control shall store electric rate information for a minimum of five time-of-use schedules. Each schedule shall include the start date, stop date, start time and stop time for at least five changes in electricity rate. Each schedule shall have at least three separate seasonal schedules.
2. The pool pump controls shall support both local and remote setup, selection, and update of time-of-use schedules. Local and remote setup, selection, and update shall be possible through a user interface.

(3) **Marking Requirements.** The general marking requirements shown in section 1689 of this Article must be met. There are no additional marking requirements for pool pump controls.

(4) **Reliability and cybersecurity standards.** The general reliability and cybersecurity standards shown in section 1691 of this Article must be met. There are no additional reliability and cybersecurity standards for pool pump controls.

(e) **Thermostats.**

(1) **Testing requirements.** None.

(2) **Flexible demand appliance standards.** All thermostats manufactured on or after January 1, 2024 shall meet the following standards.

(A) Thermostats shall be a “connected device” as defined in section 1687 of this Article.

(B) Setback Capabilities. All thermostats shall have a clock mechanism that allows the building occupant to program the temperature setpoints for at least four periods within 24 hours.

(C) User Display and Interface. The thermostat shall display the following:

1. communications system connection status;
2. demand response period or pricing event status;
3. the currently sensed temperature; and
4. the current setpoint.

(3) **Marking Requirements.** The general marking requirements shown in section 1689 of this Article must be met. There are no additional marking requirements for thermostats.

(4) **Reliability and cybersecurity standards.** The general reliability and cybersecurity standards shown in section 1691 of this Article must be met. There are no additional reliability and cybersecurity standards for thermostats.

Note: Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.

Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

**Section 1691. General Reliability and Cybersecurity Standards.**

(a) Every unit of every appliance within the scope of this Article shall comply with the applicable provisions of this section.

(b) Where applicable, flexible demand appliance standards and technologies subject to this Article shall be based on the requirements of state law, the National Institute of Standards and Technology’s reliability and cybersecurity protocols, or other cybersecurity protocols that are
equally or more protective, and shall comply, at a minimum, with the North American Electric Reliability Corporation’s Critical Infrastructure Protection standards.

(c) **Device Identification.** The manufacturer shall assign a unique logical and physical identification to the connected device.

(1) The device identification shall be in a physical and logical location accessible to authorized entities.

(d) **Device Configuration.** The configuration of the connected device’s software shall be changed by authorized entities only.

(1) The connected device shall include the capability to allow the occupant to restore the factory installed default settings.

(e) **Data Protection.** The connected device shall protect the data it stores and transmits from unauthorized access and modification.

(f) **Passwords.** All connected device passwords shall be unique and shall not be resettable to any universal factory default value.

(g) **Software Update.** The connected device’s software shall be updated by authorized entities only using a secure and configurable mechanism.

(h) **Restart Settings.** Upon device restart, the device shall automatically restore the most recently programmed settings, including reconnection to a network.

(i) **Automatic Rejoin.** When physical or logical communication is lost, the connected device shall automatically attempt to rejoin the physical or logical communication.

(j) **Override Function.** The connected device shall allow occupants to change the event responses and connected device settings at any time.

Note:
Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

**Section 1692. Customer Consent.**

(a) Appliances subject to this Article shall provide mechanisms for obtaining customer consent that maximize customers’ use of the appliances’ flexible demand capabilities. These mechanisms shall include, but need not be limited to, the following:

(1) The appliance shall have notifications on the appliance packaging materials in an accessible place that inform customers of the appliance’s flexible demand capabilities, including, where applicable, that the appliance also has features that allow energy providers or other entities to control the appliance’s flexible demand capabilities with the customer’s consent.

(2) A manufacturer shall provide information on the manufacturer website of the flexible demand capabilities of the appliance.
(3) The appliance shall provide electronic consent functions, opt-in or opt-out features, and
error notifications, on the flexible demand capabilities.

(4) The appliances shall obtain customer consent prior to the collection of customer data.

(5) The appliance shall provide features to tell consumers of the acceptable use policies of
customer data.

Note:
Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.

Section 1693. Certification Requirements.

(a) Filing of Statements.

(1) Each manufacturer shall electronically file with the Executive Director through the Flexible
Appliance Database (FAD) a statement for each appliance that is sold or offered for sale in
California.

(2) The manufacturer statement shall contain the following information:

(A) each statement shall be a single and complete line of data for a specific model and end-
use, containing all the data required in section 1694 of this Article for that appliance
type.

(B) Asterisks in Model Numbers. In filing any statement, the manufacturer may use
asterisks as a substitute for letters, numbers, blanks, or other characters in the model
number, provided that an asterisk:

1. shall be used only for a part of the model number that does not indicate flexible
demand appliance design or performance;

2. shall represent a single letter, number, blank, or other character at the asterisk's
location in the model number; and

3. shall not be used for any of the first four letters, numbers, blanks, or other characters
in the model number.

(C) The name, address, telephone number, e-mail address, and, if available, fax number
and URL (web site) address of the manufacturer; provided, however, that if a parent
entity is filing on behalf of a subsidiary entity, if a subsidiary entity is filing on behalf of a
parent entity, or if an affiliate entity is filing on behalf of an affiliate entity, then each
entity shall be clearly identified and the information shall be provided for both entities.

(D) The name, address, telephone number, e-mail address, and, if available, fax number of
the individual to contact concerning the statement pursuant to section 1693(a)(2)(H) of
this Article.

(E) The name, address, telephone number, e-mail address, and, if available, fax number of
the person signing the declaration pursuant to section 1693(a)(2)(H) of this Article.
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(F) The name and address and, if available, telephone number, fax number, URL (web site) address, and e-mail address of the laboratory or other institution where the testing required by section 1688 of this Article was performed.

(G) The statement shall include testing and performance information required for that appliance as listed in section 1694 of this Article.

(H) Each statement shall include a declaration, executed under penalty of perjury of the laws of California, that:

1. all the information provided in the statement is true, complete, accurate, and in compliance with all applicable provisions of this Article;
2. the requirements of section 1693(a)(2) of this Article have been and are being complied with;
3. for appliances for which there is a flexible demand appliance standard in section 1690 of this Article, that the appliance complies with the applicable standards;
4. the appliance was tested under the applicable test method specified in section 1690 of this Article. If section 1690 of this Article provides more than one test method that may be used, the manufacturer shall identify which method was used; and
5. all units of the appliance are marked as required by section 1690 of this Article.

(I) Identifiers, when referenced in relation to section 1694 of this Article for data submittal requirements, means those fields shown in section 1694 of this Article for each specific appliance type that, when taken in combination for a specific model of a specific appliance type, represent the criteria for designating a model. At a minimum, each specific appliance type’s model “identifiers” will include (a) manufacturer, (b) brand, and (c) model number. Individual appliance types may include additional fields as identifiers. All identifiers are represented in section 1694 of this Article by an asterisk (“*”). For purposes of compliance with section 1693(e)(1) of this Article, the identifiers represent fields that cannot be modified.

(3) Any electronic filing to the FAD constitutes a representation by the person making the filing that:

(A) the person will electronically acknowledge receipt through the FAD of all electronic communications concerning the filing from the Executive Director through the FAD to the person;

(B) all electronic communications concerning the filing from the Executive Director through the FAD to the person shall be deemed received by the person upon notification to the Executive Director, by the computer from which the Executive Director communication has been sent, that the communication has been sent; and

(C) all electronic communications concerning the filing from the person to the Executive Director shall be deemed received by the Executive Director only upon actual receipt.

(b) Review of Statements by the Executive Director.
(1) The Executive Director shall determine whether a statement is complete, accurate, and in compliance with all applicable provisions of this Article, and whether the appliance for which the statement was submitted complies with all applicable standards in section 1690 of this Article.

(2) In this subsection, “manufacturer” also includes a third-party certifier filing a statement under section 1693(f) of this Article.

(3) Complete and Accurate Statement. If the Executive Director determines that the statement is complete and accurate and that the appliance complies with all applicable standards, the Executive Director shall:

(A) immediately include the appliance in the FAD; and

(B) inform the manufacturer's FAD-designated contact person or the third-party certifier’s FAD-designated contact person electronically of the determination within 30 calendar days after receipt by the Executive Director.

(4) An Incomplete Statement. If the Executive Director determines that a statement is not complete, or that the statement does not contain enough information to determine whether it is accurate or whether the appliance complies with an applicable standard, the Executive Director shall:

(A) return the statement through the FAD to the manufacturer's FAD-designated contact person with an explanation of its defects and a request for any necessary additional information within 30 calendar days after receipt by the Executive Director.

(B) The manufacturer shall refile the statement through the FAD with all information requested by the Executive Director.

(C) The Executive Director shall review the refiled statement.

(5) Statement is Inaccurate or Appliance Does Not Comply. If the Executive Director determines that the statement is inaccurate or that the appliance does not comply with an applicable standard, the Executive Director shall:

(A) Reject the statement and return it through the FAD to the manufacturer's FAD-designated contact person with an explanation of its defects within 30 calendar days after receipt by the Executive Director.

(B) The manufacturer may submit a revised statement through the FAD for the appliance.

(c) Flexible Demand Database of Appliance Models.

(1) The Executive Director shall maintain Flexible Appliance Database known as the FAD. The FAD shall consist of two parts:

(A) "Approved FAD." The Approved FAD shall contain information on all appliances that are currently in production, for which complete and accurate statements have been received and approved pursuant to this Article, and that have not been removed from the FAD pursuant to sections 1693(c)(2), 1693(d)-(e), or 1695(a)(3)-(a)(5) of this Article.
(B) “Archived FAD.” The Archived FAD shall contain, at least, information on all appliances that:

1. are no longer in production, for which complete and accurate statements have been received pursuant to section 1693(a) of this Article; or

2. have been removed from the Approved FAD pursuant to sections 1693(c)(2) or 1695(a)(3) of this Article.

(2) Confirmation of the FAD Listings. The Executive Director may, by electronically writing to the most recent electronic address filed pursuant to section 1693(a)(2)(D) of this Article, and request each manufacturer of an appliance listed in the FAD to confirm the validity of the information in each of its FAD listings.

(A) If within 30 calendar days of the electronic mailing there is no such reply, the appliance shall be removed from the Approved FAD and moved into the Archived FAD.

(B) If the lack of compliance with any requirements of this Article is strictly limited to non-compliance with standards adopted since the most recent filing by the manufacturer:

1. All affected models will be moved from the Approved FAD to the Archived FAD. After the models have been moved, all affected manufacturers will be notified through the FAD or via email.

2. The effective date for moving such affected models to the Archived FAD will be the effective date of the new standard.

(d) Assessment of Completeness, Accuracy, and Compliance of Manufacturer Statements.

(1) If the statement is incomplete or inaccurate, or if the Executive Director determines that the statement otherwise fails to comply with any of the requirements of this Article then they shall, ten working days after providing electronic notice to the person designated in section 1693(a)(2)(D) of this Article, remove the appliance from the FAD.

(e) Modified and Discontinued Appliances.

(1) Modified Appliances.

(A) If any of the appliance characteristics listed in FAD do not match the characteristics of the appliance being sold, or offered for sale, leased, or introduced into commerce, the manufacturer shall file a new statement for the appliance, including all the characteristics needing update.

(B) Upon receipt of such a statement, the Executive Director shall review the statement under section 1693(b) of this Article. If the statement is complete, accurate, and in compliance with all applicable standards, the Executive Director shall modify the FAD.

(2) Discontinued Appliances.

(A) After any appliance has ceased being sold, or offered for sale, leased, or introduced into commerce, the manufacturer shall file a statement only containing the identifiers shown section 1694 of this Article for the appliance.
(B) Upon receipt of such a statement, the Executive Director shall review the statement under section 1693(b) of this Article. If the statement is complete, accurate, and in compliance with all applicable provisions of this Article, the Executive Director shall remove the appliance from the Approved FAD to the Archived FAD.

(f) Filing by Third-Party Certifier.

(1) A third party may file a statement on behalf of a manufacturer as required in section 1693(a) of this Article.

(2) Whether a manufacturer files information required by this section by itself or via a third-party certifier, the manufacturer remains responsible for the truth, accuracy, completeness, and timeliness of all required filings.

(3) Upon a finding of noncompliance with an applicable provision of this Article, the Executive Director may suspend a third-party certifier from making filings, allow continued filings under specific conditions, or remove affected appliances from the FAD.

Section 1694. Data Submittal Requirements.

The data submittal requirements shown in this section are required pursuant to section 1693 of this Article.

(a) All appliances and connected devices.

(1) The data submittal requirements shown in Table A-1 are required for all appliances.

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Permissible Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Manufacturer’s Name</td>
<td></td>
</tr>
<tr>
<td>*Brand Name</td>
<td></td>
</tr>
<tr>
<td>*Model Number</td>
<td></td>
</tr>
<tr>
<td>Date model to be displayed</td>
<td></td>
</tr>
<tr>
<td>Is a connected device</td>
<td>True, false</td>
</tr>
</tbody>
</table>

*Identifier information as described in section 1693(a)(2)(I) of this Article.

(2) The data submittal requirements shown in Table A-2 are required for any appliance that is a “connected device”, as defined in section 1687 of this Article.
Table A-2: Data Submittal Requirements for All Connected Devices

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Permissible Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Device has a unique logical and physical identification</td>
<td>True, false</td>
</tr>
<tr>
<td>The configuration of the software shall be changed by authorized entities only</td>
<td>True, false</td>
</tr>
<tr>
<td>Passwords are unique and shall not be resettable to any universal factory default value</td>
<td>True, false</td>
</tr>
<tr>
<td>Device protects the data it stores and transmits from unauthorized access and modification</td>
<td>True, false</td>
</tr>
<tr>
<td>Software updates through remote or local means such as a network download or removable media</td>
<td>True, false</td>
</tr>
<tr>
<td>Restart Settings. Upon device restart, the device automatically restores the most recently programmed settings, including reconnection to a network</td>
<td>True, false</td>
</tr>
<tr>
<td>Automatic Rejoin. When physical or logical communication is lost, the connected device automatically attempts to rejoin the physical or logical communication</td>
<td>True, false</td>
</tr>
<tr>
<td>Override Function: The connected device allows occupants to change the event responses and connected device settings at any time</td>
<td>True, false</td>
</tr>
<tr>
<td>Device has capability to allow the occupant to restore the factory installed default settings</td>
<td>True, false</td>
</tr>
</tbody>
</table>

(b) Electric clothes dryers.

The data submittal requirements shown in Table B-1 are required for electric clothes dryers.

Table B-1: Data Submittal Requirements for Electric Clothes Dryers

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Permissible Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Type</td>
<td>Compact, standard</td>
</tr>
<tr>
<td>*Drum capacity</td>
<td></td>
</tr>
<tr>
<td>*Voltage</td>
<td>120, 240</td>
</tr>
<tr>
<td>Has a delay timer</td>
<td>True, false</td>
</tr>
</tbody>
</table>

*Identifier information as described in section 1693(a)(2)(I) of this Article.

(c) Dishwashers.

The data submittal requirements shown in Table C-1 are required for dishwashers.
Table C-1: Data Submittal Requirements for Dishwashers

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Permissible Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Type</td>
<td>Compact, standard</td>
</tr>
<tr>
<td>*Number of place settings</td>
<td></td>
</tr>
<tr>
<td>Has a delay timer</td>
<td>True, false</td>
</tr>
<tr>
<td>*Identifier information</td>
<td></td>
</tr>
</tbody>
</table>

*(Identifier information as described in section 1693(a)(2)(I) of this Article.)*

(d) **Pool pump controls.**

The data submittal requirements shown in Table D-1 are required for pool pump controls.

Table D-1: Data Submittal Requirements for Pool Pump Controls

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Permissible Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Device is capable of storing at a minimum five time-of-use schedules locally, each supporting at a minimum five distinct time periods for both weekdays and weekends, at least three separate seasonal schedules, and daylight savings time changes.</td>
<td>True, false</td>
</tr>
<tr>
<td>Device has ability to support both local and remote setup, selection, and update of time-of-use schedules.</td>
<td>True, false</td>
</tr>
<tr>
<td>Local and remote setup, selection, and update shall be possible through a user interface</td>
<td>True, false</td>
</tr>
</tbody>
</table>

(e) **Thermostats.**

The data submittal requirements shown in Table E-1 are required for thermostats.

Table E-1: Data Submittal Requirements for Thermostats

<table>
<thead>
<tr>
<th>Required Information</th>
<th>Permissible Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Device has a clock mechanism that allows the building occupant to program the temperature setpoints for at least four periods within 24 hours.</td>
<td>True, false</td>
</tr>
<tr>
<td>User Display and Interface. The thermostat displays the following:</td>
<td>True, false</td>
</tr>
<tr>
<td>(1) communications system connection status,</td>
<td></td>
</tr>
<tr>
<td>(2) demand response period or pricing event status,</td>
<td></td>
</tr>
<tr>
<td>(3) the currently sensed temperature,</td>
<td></td>
</tr>
<tr>
<td>(4) the current setpoint</td>
<td></td>
</tr>
</tbody>
</table>

Note:

Authority cited: Sections 25213, 25218, 25402(f) and 25402.11 Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.
Section 1695. Compliance, Enforcement and Administrative Civil Penalties.

(a) Compliance and Enforcement.

(1) Any unit of any appliance subject to this Article may be sold or offered for sale, leased, rented or introduced into commerce in California only if it complies with the requirements of this Article, including, but not limited to the following:

(A) the appliance appears in the most recent FAD established pursuant to section 1693(c) of this Article;

(B) the manufacturer has:

1. tested the appliance as required by section 1690 of this Article;

2. marked the unit as required by section 1690 of this Article;

3. for any appliance for which there is an applicable standard in section 1690 of this Article, certified under section 1693(a) of this Article that the appliance complies with the standard;

(C) the unit has the same components, design characteristics, and all other features that affect flexibility, as applicable, as the units that were tested under section 1690 of this Article or for which information was submitted under section 1693(a) of this Article; and

(D) for any appliance for which there is an applicable standard in section 1690 of this Article, the unit complies with the standard.

(2) The Executive Director and Energy Commission may take any action authorized by statute or Energy Commission regulations to address or prevent any violation of this Article.

(3) All Appliances: Submittal of Reports of Manufacturers' Certification Testing.

(A) For any appliance, the Executive Director may at any time request from a manufacturer a copy of the test report that describes the results of the testing that was performed pursuant to section 1688 of this Article and that provides the basis for the information submitted under section 1693(a)(1)(J) of this Article.

(B) The request shall be sent to the e-mail address designated in section 1693(a)(2)(D) of this Article.

(C) If the Executive Director includes with the request information that, in their opinion, constitutes substantial evidence that the appliance or the manufacturer:

1. is not in compliance with an applicable provision of this Article, or

2. that the flexibility of the appliance is not as certified under section 1693(a)(1)(J) of this Article, or

3. is not as required by an applicable standard in section 1690 of this Article, then

4. the manufacturer shall provide a copy of the applicable test report to the Executive Director within 5 working days of the manufacturer's receipt of the request.
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(D) If the Executive Director does not receive the test report within the required time, the Executive Director shall remove the appliance from the FAD.

(E) If the test report indicates that the appliance model does not comply with an applicable standard in section 1690 of this Article, the Executive Director shall, ten working days after providing electronic notice via e-mail or directly through the FAD to the person designated in section 1693(a)(2)(D) of this Article, remove the model from the FAD.

(4) Inspection by the Executive Director of Appliances Subject to Flexible Demand Appliance Standards, Certification, Marking, and Other Requirements of this Article.

(A) The Executive Director shall periodically inspect appliances sold, or offered for sale, rented, leased, or introduced into commerce in the state, to determine whether they conform with the applicable flexible demand appliance standards, certification, marking, and other requirements of this Article.

(B) Inspection of an appliance may consist of inspection of one or more units.

1. If the inspection indicates that the unit or units comply with the applicable requirements, the matter shall be closed.

2. If the inspection indicates that the unit or units do not comply with an applicable requirement, the Executive Director and Energy Commission may take any actions that are authorized by statute or Energy Commission regulations to address or prevent any violation of this Article, including removing the appliance from the FAD.

(5) Executive Director’s Enforcement Testing of Appliances Subject to Flexible Demand Appliance Standards.

The Executive Director shall periodically cause, at laboratories meeting the criteria of section 1688(a) of this Article, the testing of appliance units sold, or offered for sale, leased, or introduced into commerce in the state, to determine whether the appliances conform with the applicable standards in section 1690 of this Article, and to determine whether their performance is as reported or certified by the manufacturer pursuant to section 1693(a) of this Article. Testing shall be performed as follows:

(A) Initial Test. The Executive Director shall perform an initial test on one unit, using the applicable test procedure specified in section 1690 of this Article and shall make a determination as follows:

1. Performance Is No Worse Than Required by Standards and Is No Worse Than as Certified by Manufacturer or Third-Party Certifier. If the initial test result indicates that the demand flexibility of the unit is no less than the demand flexibility that is required by all applicable standards in section 1690 of this Article, and that was certified by the manufacturer or third-party certifier pursuant to section 1693(a) of this Article, the matter shall be closed.

2. Performance Is Worse Than Required by Standard or Is Worse Than as Certified by Manufacturer or Third-Party Certifier. If the initial test result indicates that the demand flexibility of the unit is less than the demand flexibility that is permitted or
required by any applicable standard in section 1690 of this Article, or that was
certified by the manufacturer or third-party certifier pursuant to section 1693(a) of
this Article, the Executive Director shall perform a second test on a second unit,
using the applicable test procedure specified in section 1690 of this Article.

(B) Second Test; Mean of Results. If a second test is performed, the Executive Director
shall calculate the mean of the results of the initial test and the second test and shall
inform the manufacturer of the results and shall make a determination as follows:

1. Performance Is No Worse Than Required by Standards and Is No Worse Than as
Certified by Manufacturer or Third-Party Certifier. If the two test results indicate that
the mean demand flexibility of the two units is no less than the demand flexibility
permitted or required by all applicable standards in section 1690 of this Article, and
that was certified by the manufacturer or third-party certifier pursuant to section
1693(a) of this Article, the matter shall be closed.

2. Performance is As Required by Standard but is Worse Than as Certified by
Manufacturer or Third-Party Certifier. If the two test results indicate that the mean
demand flexibility of the two units is less than the demand flexibility that was certified
by the manufacturer or third-party certifier pursuant to section 1693(a) of this Article,
but that the mean result nevertheless complies with all applicable standards in
section 1690 of this Article, the Energy Commission may undertake a proceeding
pursuant to section 1695(b)(4) of this Article If the Energy Commission determines
that the two test results indicate that (1) the mean demand flexibility of the two units
is less than the demand flexibility as reported or certified by the manufacturer
pursuant to section 1693(a) of this Article, and (2) the mean result nevertheless
complies with all applicable standards in section 1690 of this Article, then the
Executive Director shall modify the listing of the appliance in the FAD to reflect
accurately the Energy Commission's determination.

3. Performance is Not As Required by Standard. If the two test results indicate that
the mean flexible demand of the two units is less than any applicable standard in section
1690 of this Article, the Executive Director and Energy Commission may take any
actions that are authorized by statute or Energy Commission regulations to address
or prevent any violation of this Article, including removing the appliance from the
FAD.

(6) Costs.

Except as otherwise provided in this Article, all costs of initial tests showing results as
described in section 1695(a)(5)(A)1. or section 1695(a)(5)(B)1. of this Article shall be paid
by the Energy Commission. All costs of all other tests shall be paid by the manufacturer.

(b) Administrative Civil Penalties.

(1) No person, including a manufacturer, retailer, contractor, importer, distributor, or lessor
shall sell, offer for sale, rent, lease, or introduce into commerce in California a new
appliance unless it meets the requirements of this Article. No person shall violate the
cybersecurity requirements of this Article. Violations of this Article are subject to an
administrative civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation each unit of the appliance is involved in.

(2) Notices of Violation.

The Executive Director, or their designee, may send a written Notice of Violation by certified mail (registered mail to non-U.S. destinations) or other means that provide actual notice to the person in violation of this Article. The Notice of Violation shall contain the following information:

(A) the name and address of the person responsible for the violation;

(B) a statement indicating the statute, regulation, order, or decision upon which the Notice of Violation is based, including any provisions relating to the assessment of administrative civil penalties;

(C) a statement of facts upon which the Notice of Violation is based, including a description of the appliances or units of appliances at issue and a reference to model numbers.

(3) Settlement.

Consistent with California Government Code Section 11415.60, the Energy Commission may at any time issue a decision by settlement with a responsible person. The settlement agreement may include appropriate sanctions and remedies to address violations and promote compliance.

(4) Administrative Proceedings.

(A) No earlier than 30 calendar days after issuing a Notice of Violation, the Executive Director may initiate an adjudicative proceeding to impose administrative civil penalties if the Executive Director determines that the responsible person has not made sufficient progress in addressing the violations identified in the Notice of Violation.

(B) The proceeding shall be initiated by filing and serving an accusation as specified in California Government Code Section 11505. The accusation shall include an assessment of penalties and may include other information from the Notice of Violation.

(C) The proceeding shall be conducted in a manner consistent with Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of part 1 of Division 3 of Title 2 of the California Government Code.

(D) The proceeding shall be heard by an administrative law judge pursuant to Government Code Section 11517(c), unless the Chair of the Energy Commission orders that the proceeding be heard directly by the Energy Commission with the assistance of an Administrative Law Judge pursuant to California Government Code Section 11517(b).

(E) After the hearing referenced in this Article, the Energy Commission shall issue or adopt a decision on whether a violation of this Article has been committed, and assess appropriate penalties based on application of the factors set forth in section 25402.11 of the Public Resources Code.

(5) Other Enforcement Procedures.
The Executive Director and Energy Commission may take any actions that are authorized by statute or Energy Commission regulations to address or prevent any violation of this Article.

(6) Judicial Review.

An order of the Energy Commission imposing an administrative civil penalty shall be subject to judicial review pursuant to Public Resources Code Sections 25534.2(a) and 25534.2(b).

Note: Authority cited: Sections 25213, 25218, 25402(f) and 25402.11, Public Resources Code.
Reference: Sections 25216.5(d), 25402(f) and 25402.11, Public Resources Code.