

DOCKETED

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Project Title:	Rulemaking Related to Business Meetings and Requests for Rulemakings
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CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-057 (Revised 1/21)



NOTICE OF PROPOSED ACTION

Title 20. Public Utilities and Energy

Article 1: Commission Business Meetings and Article 4. Rulemaking and Informational Hearings
Sections 1102, 1105, and 1221.

Docket No. 23-OIR-02
Notice Published on September 22, 2023

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to adopt amendments to its procedures related to business meetings and requests for rulemakings contained in the California Code of Regulations (CCR), title 20, sections 1102, 1105, and 1221 ("the Proposed Action").

PUBLIC HEARING

The CEC will hold a public hearing on the proposed regulations at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulations at the public hearing. Comments at the public hearing may be limited to three minutes or less.

Public Hearing
November 7, 2023
10 a.m. (Pacific Time)

BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will consider and possibly adopt the proposed regulations at a CEC Business Meeting at the date and time listed below. Interested persons, or their authorized representative, may present oral statements, arguments, or contentions relevant to the proposed regulations at the Business Meeting. If the

date, time, place, or nature of the proposed adoption changes, the CEC will provide updated information in the rulemaking docket.

Business Meeting
Remote Access or In-Person at 1516 9th St, Sacramento, California 95814
Date: November 8, 2023
10 a.m. (Pacific Time)

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting [Zoom](https://join.zoom.us) at <https://join.zoom.us> and entering the ID and password for the public hearing listed below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Public Advisor's Office at publicadvisor@energy.ca.gov or (800) 822-6228.

Zoom Link:

<https://energy.zoom.us/j/93869230237?pwd=Zm96c09ULzdXTjd4eldtUXdnUGErzd09>

Webinar ID: 938 6923 0237

Password: mtg@10am

To participate by telephone dial (669) 900-6833 or (888) 475-4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to "raise your hand" and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC's Office of the Public Advisor, Energy Equity and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at publicadvisor@energy.ca.gov, by phone at (916) 957-7910. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Office of the Public Advisor, Energy Equity and Tribal Affairs via email or phone.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office at (916) 654-4989 or mediaoffice@energy.ca.gov.

PUBLIC COMMENT PERIOD

The written public comment period for the proposed regulations will be held from September 22, 2023 to November 6, 2023. Any interested person, or an authorized representative, may submit written comments to the CEC for consideration on or prior to November 6, 2023. The CEC appreciates receiving written comments at the earliest

possible date. Comments submitted outside this comment period are considered untimely. CEC may, but is not required to, respond to untimely comments, including those raising significant issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit <https://efiling.energy.ca.gov/EComment/ECommentSelectProceeding.aspx>, type in docket number, 23-OIR-02. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, California Code of Regulations, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include Docket Number 23-OIR-02 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No. 23-OIR-02
715 P Street, MS-4
Sacramento, CA 95814

Pursuant to California Code of Regulations Title 20 section 1104(e), any person may make oral comment on any agenda item at the November 8, 2023, Business Meeting. Please consult the public agenda, which will be posted ten days before the Business Meeting, for important details on how to participate.

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding list serve or provide a valid email or mailing address with your comments.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Sections 25210, 25213, and 25218(e), authorize the CEC to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code Sections 25210 and 25214.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Energy Commission (CEC) proposes to adopt amendments to the CEC’s procedures related to business meetings and requests for rulemakings

contained in the California Code of Regulations (CCR), title 20, sections 1102, 1105, and 1221.

The purpose of this rulemaking is to: (1) allow the CEC to conduct business meetings as necessary, (2) remove the requirement for the CEC to take minutes and clarify that the transcript and decisions, orders, and resolutions approved in meetings shall be the original evidence of actions taken at any meeting, and (3) ensure that the CEC has sufficient information to evaluate petitions for rulemakings and increase the time for the executive director to respond to a petition for rulemaking from seven to 14 days.

These proposed procedural changes related to business meetings and requests for rulemakings will allow the CEC to conduct its business and respond to the public more efficiently.

Difference from existing comparable federal regulations or statute

These proposed regulations do not duplicate or conflict with any federal regulations or statute contained in the Code of Federal Regulations. There are no federal laws that address the procedural matters that are the subject of this rulemaking.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

As the state's primary energy policy and planning agency, the CEC's responsibilities have increased relative to helping the state reach its climate and energy goals. With the increase in responsibilities, the CEC's workload has also increased. As such, the CEC must have the latitude to hold business meetings as needed. There have been months where the CEC has needed to hold multiple business meetings in order to conduct the CEC's business. Alternatively, there are months where a business meeting is not needed or cannot easily be convened due lack of a quorum of commissioners. Commissioners have demanding work obligations which include the need to travel outside of the region and country. Consequently, there is an urgent need for the CEC to have more flexibility in determining when and how often to conduct business meetings.

Additionally, it is vital that the CEC's regulations be amended to address recurring issues in the implementation of the regulations, to make the process more efficient and effective, and save staff time and resources. Regulations must be updated to eliminate the need for an assigned staff person to take minutes at business meetings. The regulations currently designate minutes as the original evidence of actions taken at CEC meetings. The CEC expends extensive staff resources to produce the minutes for business meetings. This process entails an assigned staff person typing notes of comments made at the business meeting. These notes are based on the perception and awareness of one person and are not the best evidence of the official record. The process is cumbersome, time consuming, inefficient, and subject to error.

Concurrently, the CEC utilizes court reporters to create an accurate record of business meeting proceedings. Such transcripts are the more accurate record of proceedings.

With respect to petitions for rulemakings, the CEC frequently receives requests for rulemakings that are vague and/or difficult to understand. The CEC spends a considerable amount of time interpreting these requests. In addition, the short timeframe within which the CEC must respond to requests for rulemakings does not permit the CEC to thoroughly evaluate the petitions. These proposed changes would save staff time and resources, which will allow the CEC to respond to the public more efficiently.

The specific benefits of this rulemaking are that the CEC's regulations related to business meetings would address recurring issues in the implementation of unnecessary or burdensome regulations, and staff time and resources would be saved. These changes will allow the CEC to effectively conduct the CEC's business while improving public transparency and minimizing delays in responding to requests for rulemakings.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted a search for any other regulations in this area and has determined that the proposed regulations are neither inconsistent nor incompatible with any existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The CEC does not propose to incorporate by reference any documents.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: No
- Cost to any local agency or school district requiring reimbursement pursuant to Government Code Section 17500 et seq.: No
- Cost or savings to any state agency: No
- Non-discretionary cost or savings imposed upon local agencies: No
- Cost or savings in federal funding to the state: No

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The CEC has made an initial determination that the proposed regulations will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations are procedural in nature. They will impact the CEC's use of time and resources and will allow the CEC to effectively conduct its business while improving public transparency and minimizing delays in responding to requests for rulemakings. The proposed regulations do not impact private persons and there are no anticipated cost impacts to businesses associated with these proposed changes.

The proposed changes will allow the CEC to conduct business meetings as necessary. The CEC will continue to hold business meetings in a manner that reflects the CEC's workload. Therefore, any businesses that may be interested in the ongoing of CEC's business meetings will continue to have the opportunity to listen and be engaged in these meetings. The proposed changes include procedural amendments that would remove the requirement for the CEC to take minutes and clarify that the transcript and decisions, orders, and resolutions approved in meetings shall be the original evidence of actions taken at any meeting. The proposed changes would also ensure that the CEC has sufficient information to evaluate petitions for rulemakings and increase the time for the executive director to respond to a petition for rulemaking from seven to 14 days. These procedural changes would not have a direct or indirect impact on businesses as their intended purpose would be to reduce the CEC's time and cost of preparing the original evidence of actions taken at meetings and responding to petitions for rulemakings. Regardless of the changes, the public would still have access to the ordinary course of business that occurs at business meetings and would have the same opportunities to petition for requests for rulemakings. Therefore, no economic or fiscal impacts are expected from this change.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CEC concludes that the proposal: (1) will not create jobs within California, (2) will not eliminate jobs within California, (3) will not create new businesses in California, (4)

will not eliminate existing businesses within California, and (5) will not result in the expansion of businesses currently doing business within the state.

The proposed regulation will not adversely impact the health and welfare of California residents, worker safety, or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The CEC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT

The regulations do not impose a new reporting requirement.

SMALL BUSINESS

The proposed regulations will not affect small business. The proposed regulations are procedural in nature. They will impact the CEC's use of time and resources and will allow the CEC to effectively conduct its business while improving public transparency and minimizing delays in responding to requests for rulemakings. The proposed regulations do not impact private persons and there are no anticipated impacts to small businesses associated with these proposed procedural changes.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

For questions, contact Mariah Ponce, Staff Attorney, at (916) 559-4166 or at Mariah.Ponce@energy.ca.gov

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available in electronic format for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Initial Statement of Reasons (ISOR),

and any documents relied upon. Copies may be obtained by contacting Mariah Ponce above or accessed through the CEC website at Docket No. 23-OIR-02.

AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the CEC website at Docket No. 23-OIR-02.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The CEC maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared for this rulemaking have been posted on the CEC's website at Docket No. 23-OIR-02.

INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the Rulemaking List which can be accessed here: <https://www.energy.ca.gov/subscriptions>.

The list serve sends out email notification and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the listserv but still would like to receive documents and notices, please contact the contact person listed in this notice.