

DOCKETED	
Docket Number:	23-OIR-02
Project Title:	Rulemaking Related to Business Meetings and Requests for Rulemakings
TN #:	255023
Document Title:	Notice of Approval of Rulemaking Related to Business Meeting and Request for Rulemakings
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/12/2024 4:04:45 PM
Docketed Date:	3/12/2024

**State of California
Office of Administrative Law**

In re:
California Energy Commission

Regulatory Action:

Title 20, California Code of Regulations

Adopt sections:

Amend sections: 1102, 1105, 1221

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2024-0129-02

OAL Matter Type: Regular (S)

This rulemaking action by the California Energy Commission amends regulations relating to the frequency and methods of recording Commission meetings and procedures relating to the submission of rulemaking petitions.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

Date: March 12, 2024



Kevin D. Hull
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Drew Bohan, Executive Director
Copy: Mariah Ponce

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0912-01	REGULATORY ACTION NUMBER 2024-0129-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

RECEIVED DATE PUBLICATION DATE
 SEP 12 '23 SEP 22 '23

OFFICE OF ADMIN. LAW
 2024 JAN 29 PM 4:36

Office of Administrative Law

NOTICE

REGULATIONS

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

MAR 12 2024
 1:53 PM

AGENCY WITH RULEMAKING AUTHORITY
 California Energy Commission

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Business Meetings & Rulemaking Petitions		TITLE(S) 20	FIRST SECTION AFFECTED 1102	2. REQUESTED PUBLICATION DATE 09/22/2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Mariah Ponce		TELEPHONE NUMBER (916) 559-4166
5. AGENCY CONTACT PERSON Mariah Ponce		TELEPHONE NUMBER (916) 559-4166		FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Business Meetings & Rulemaking Petitions	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2023-0912-01
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) Title 20	ADOPT
	AMEND Sections 1102, 1105, and 1221
	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Reread (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Mariah Ponce, CEC Attorney	TELEPHONE NUMBER (916) 559- 4166	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Mariah.Ponce@energy.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 1/29/2024
TYPED NAME AND TITLE OF SIGNATORY Drew Bohan, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 12 2024

Office of Administrative Law

Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 2. Rules of Practice and Procedure
Article 1. Commission Business Meetings and Article 4. Rulemaking and Informational Hearings

The proposed new language appears as underline (example) and proposed deletions appear as ~~strikeout (example)~~. Existing language appears as plain text.

§1102. Meetings - Scheduling.

(a) ~~The commission shall meet at least once every month as necessary. Minutes shall be approved by the full commission and, upon approval, shall be signed by the chair or other person designated by the chair. Signed minutes shall be the original evidence of actions taken at any meeting, including the text of any resolutions adopted.~~ The time and place of meetings shall be posted on the commission's website.

(b) The time and place of meetings may be set by resolution of the commission, by written petition of a majority of the members, or by written call of the chair. The chair may, for good cause, change the starting time or place, reschedule, or cancel any meeting.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25214, Public Resources Code.

§ 1105. Permanent Record.

~~(a) The commission shall keep minutes of its meetings. Minutes shall be approved by the full commission and, upon approval, shall be signed by the chair or other person designated by the chair. Signed minutes shall be the original evidence of actions taken at any meeting, including the text of any resolutions adopted.~~

~~(a)~~ Commission public meetings shall be recorded by stenographic reporter or electronic recording or both. The transcripts or recordings shall be kept at least one year and shall be electronically posted and available to the public for review at the commission's main office and such other offices as the commission may designate. The transcript and decisions, orders, and resolutions approved in meetings shall be the original evidence of actions taken at any meeting.

~~(b)~~ Any person may photograph or record any public meeting of the commission so long as it does not disrupt the orderly conduct of business.

~~(c)~~ Any person may petition the commission to correct a transcript of their own statements. Such petition shall be made within sixty days after the transcript has been made available to the public at the commission's main office. The commission shall consider any such petition as an item on the consent calendar pursuant to Section 1104(c) of these regulations.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25214, Public Resources Code.

§ 1221. Petitions.

(a) Any person may petition the commission to initiate a rulemaking proceeding request ~~rulemaking hearings~~. Such petition shall ~~include~~ state the following clearly and concisely:

- (1) the name, address, and telephone number of the petitioner;
- (2) the substance or nature of the regulation, amendment, or repeal requested;
- (3) the reasons for the request;
- (4) reference to the authority of the commission to take the action requested.

(b) Such petition shall be filed with the executive director who shall within ~~seven (7)~~ 14 days after its filing determine whether the petition contains the information specified in subsection (a).

(1) If the executive director determines that the petition is complete, they shall so certify in writing and shall inform the petitioner.

(2) If the executive director determines that the petition is not complete, it shall be returned to the petitioner accompanied by a statement of its defects. The petitioner may correct the petition and resubmit it at any time.

(c) Upon certification by the executive director, the commission shall, within thirty (30) days from the filing of the petition, deny the petition, stating the reason for the denial in writing, or grant the petition, directing the staff to prepare an appropriate order pursuant to section 1222 of these regulations.

(d) Nothing in this section shall operate to limit the opportunity of any member of the public to be heard at commission meetings and hearings, as provided by section 25214 of the Public Resources Code.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25218(e), Public Resources Code.