

DOCKETED

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Project Title:	Modification of Alternative and Renewable Fuel and Vehicle Technology Program Funding Restrictions
TN #:	205733
Document Title:	Readoption Resolution
Description:	N/A
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RESOLUTION NO: 15-0812-11a

STATE OF CALIFORNIA STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION

WHEREAS, on February 25, 2015 the California Energy Commission ("Energy Commission") made a finding of emergency and adopted an emergency regulation that changed California Code of Regulations, Title 20, section 3103 ("§ 3103"); and

WHEREAS, on March 12, 2015 the Office of Administrative Law ("OAL") approved the Energy Commission's emergency regulation, which became effective on March 12, 2015 and is set to expire on September 9, 2015 under the 180-day limit imposed by Government Code section 11346.1(e); and

WHEREAS, Energy Commission staff now propose to readopt the emergency regulation and finding of emergency, pursuant to Government Code section 11346.1; and

WHEREAS, the Energy Commission has the authority to readopt this emergency regulation under sections 25213 and 25218(e) of the Public Resources Code, sections 44271 and 44272 of the Health and Safety Code, and pursuant to Government Code section 11346.1; and

WHEREAS, the Energy Commission has considered all comments received, staff's responses, and the entire record of this proceeding as reflected in Docket 15-OIR-02; and

WHEREAS, the Energy Commission is proceeding with diligence in conducting a regular rulemaking that will confirm the emergency changes adopted on February 25, 2015 and make additional changes, as evidenced by:

- Publication on June 12, 2015 in the California Regulatory Notice Register a Notice of Proposed Amendments to Alternative and Renewable Fuel and Vehicle Technology Program Funding Regulations Title 20, California Code of Regulations, sections 3100-3104 ("Notice"),
- Delivery on June 12, 2015 of the Notice to every person on the Energy Commission's Business Meeting Agenda, Alternative Fuels, and Transportation list servers and to every person who had requested notice of such matters,
- Posting on the Energy Commission's website on June 12, 2015 the Notice and text of the proposed regulations, initial statement of reasons, and information upon which the proposal is based; and

WHEREAS, the Energy Commission has considered the application of the California Environmental Quality Act (CEQA) to the readoption of this emergency regulation, as detailed in the analysis set forth in the July 30, 2015 Memorandum by the Chief Counsel's Office titled "Readoption of an Emergency Regulation for the Alternative and Renewable Fuel and Vehicle Technology Program is Not a Project Under the California Environmental Quality Act" ("Memorandum");

THEREFORE BE IT RESOLVED THAT the Energy Commission adopts the findings in the Office of the Chief Counsel's July 30, 2015 Memorandum that readoption of the emergency regulation is not a "project" under CEQA and California Code of Regulations, Title 14, section 15378; and that in the event that readoption was determined to be a project, it would nonetheless be exempt from CEQA requirements pursuant to the "common sense" exemption (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3); and

BE IT FURTHER RESOLVED THAT the Energy Commission finds that the emergency circumstances existing at the time of adopting the emergency regulation on February 25, 2015 still exist; and

BE IT FURTHER RESOLVED THAT the Energy Commission hereby readopts the Finding of Emergency that was originally adopted by the Energy Commission on February 25, 2015, and that is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED THAT the Energy Commission hereby readopts the emergency regulation that is currently codified at California Code of Regulations, Title 20, section 3103, and that is attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED THAT the Energy Commission directs the Executive Director to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulation go into effect, including but not limited to incorporating any changes approved by the Energy Commission into the final Express Terms submitted to OAL; making any appropriate nonsubstantive changes required by OAL; and preparing and filing all appropriate documents with OAL.

CERTIFICATION

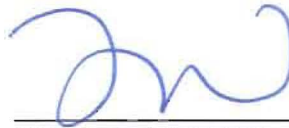
The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Energy Commission held on August 12, 2015.

AYE: Weisenmiller, McAllister, Hochschild, Scott

NAY: None

ABSENT: Douglas

ABSTAIN: None



TIFFANI WINTER
Secretariat