

DOCKETED

Docket Number:	15-WATER-03
Project Title:	Water Energy Appliance Rebate Program
TN #:	206054
Document Title:	Appliance Rebate Program Guidelines- September Revision
Description:	N/A
Filer:	Anne Fisher
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/10/2015 9:21:43 AM
Docketed Date:	9/10/2015

GUIDELINES

APPLIANCE REBATE PROGRAM First Edition



CALIFORNIA
ENERGY COMMISSION
Edmund G. Brown Jr., Governor

SEPTEMBER 2015
CEC-400-2015-022

CALIFORNIA ENERGY COMMISSION

ROBERT B. WEISENMILLER, PH.D.
Chairman

Commissioners

KAREN DOUGLAS, J.D.
ANDREW MCALLISTER
DAVID HOCHSCHILD
JANEA A. SCOTT

Anne Fisher
Jack Bastida
Marcia Smith
Primary Authors

Christine Collopy
Program Manager
EFFICIENCY DIVISION

Dave Ashuckian
Deputy Director
EFFICIENCY DIVISION

Robert P. Oglesby
Executive Director

DISCLAIMER

Governor Brown's Executive Order B-29-15 directed the Energy Commission to implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. The Energy Commission considered and adopted these Guidelines at its business meeting on August 12, 2015, contingent on legislative approval of funding for the program.

ACKNOWLEDGEMENTS

The California Energy Commission is grateful for the technical support received from the California Climate Investments program, in response for the funding request for the Appliance Rebate Program.

The authors thank all those that have assisted in developing the Appliance Rebate Program and in particular:

California Energy Commission:

Christine Collopy, Maunee Berenstein, Ron Yasnny, Dave Mason, Elizabeth Flores, Mona Badie, Allan Ward, Dave Ashuckian, Michael Wilson

Department of Water Resources:

Diana Brooks, Kent Frame, Toni Pezzetti, David Todd, Jodi Evans

California Water Resources Control Board:

Fran Spivey-Weber, Vice Chair

California Air Resources Board:

Shelby Livingston, Elizabeth Yura, Matthew Botill

California Natural Resources Agency:

Richard Stapler

California Public Utilities Commission:

Commissioner Catherine Sandoval, Jamie Ormond



ABSTRACT

These Appliance Rebate Program Guidelines explain how the California Energy Commission's Appliance Rebate Program will be administered and outlines terms and conditions.

Keywords: California, rebate, appliance, drought, greenhouse gas reduction, residential, water savings

Please use the following citation for this report:

Fisher, Anne, Jack Bastida, Marcia Smith. 2015. *Appliance Rebate Program Guidelines*. California Energy Commission. Publication Number: CEC-400-2015- 022.

TABLE OF CONTENTS

1. Introduction	1
2. Funding	2
3. Period of Performance and Rebate Offer Period	2
4. Rebate Program Structure.....	2
a. Rebate Processing.....	2
b. Rebate Program Administration.....	3
5. Eligible Appliances	3
a. Appliance Categories.....	3
b. Education and Outreach	5
6. Rebate Program Eligibility Rules.....	5
a. Qualifying Purchaser	6
b. Purchase Restrictions.....	7
c. Proof of Purchase	8
d. Online and Mail-In Rebate Processing	10
7. Approval of Contracts and Rebates.....	10
8. Reports and Documentation.....	11
9. Rebate Program Extension.....	11
10. Financial Audits, Record Retention, and Access to Facilities	11
11. Use and Disclosure of Information and Reports	12
12. Refund and Enforcement Action	12
a. Recovery of Overpayment.....	12
b. Fraud and Misrepresentation.....	13
13. Indemnification	13
14. Governing Law.....	13
15. Severability.....	13
16. Waiver.....	13
17. Direct Install Program	14
18. Guideline Authority	14
19. Interpretation.....	14
20. Effective Date of Guidelines	15
21. Changes to Guidelines or Rebate Program	15
22. Confidentiality.....	15
23. Tracking and Reporting.....	15

LIST OF TABLES

Table 1: ENERGY STAR® Criteria for Residential Clothes Washers	4
Table 2: Appliances and Rebate Amounts to Be Included in the Rebate Program	5

1. Introduction

The California Energy Commission developed these *Appliance Rebate Program Guidelines* (Guidelines) in response to Governor Edmund G. Brown Jr.'s April 1, 2015 [Executive Order B-29-15](#) (Executive Order). Following years of severe drought and the lowest snowpack ever recorded, Governor Brown announced emergency actions to save water, increase enforcement to prevent wasteful water use, streamline the state's drought response, and invest in new technologies that will make California more drought-resilient.

In his Executive Order the Governor directed the Energy Commission, jointly with the Department of Water Resources (DWR) and the State Water Resources Control Board (Water Board), to implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.

The Appliance Rebate Program (Rebate Program) objectives are to:

- Save water by encouraging the public, through a consumer rebate program, to replace inefficient appliances with water-efficient models.
- Reduce greenhouse gas (GHG) emissions by replacing inefficient appliances with energy-efficient models.
- Work with existing rebate programs and partnerships by layering rebates and leveraging outreach opportunities.
- Keep administrative costs low while complying with reporting requirements.
- Use existing ENERGY STAR® consumer education and outreach materials and supplement with drought response information.

The Rebate Program implementation is the Energy Commission's first phase of its drought response under Directive 4 of the Executive Order. Phase 2, which will launch before the close of 2015, is a direct installation program targeted at California's disadvantaged communities, through a planned integrated effort by the Energy Commission, the Department of Community Services and Development (CSD), and DWR. Working with the CSD's residential energy efficiency services program and 40 local service providers throughout California, the Energy Commission will provide water-reducing clothes washers, dishwashers, kitchen and lavatory faucets, and showerheads to eligible residents in disadvantaged communities.

Participating communities will be selected using the CalEnviroScreen tool, which identifies California communities that are disproportionately burdened by multiple sources of pollution. The Energy Commission will ensure that at least 25 percent of allocated funds are dedicated to projects in these communities.

These Guidelines describe how the Phase 1 Rebate Program will be implemented and administered. Specifically, the Guidelines:

- Explain the rebate structure and process.
- Specify rebate eligibility rules.
- Outline the rebate claim process.

2. Funding

Funding for the Rebate Program has been requested from the Greenhouse Gas Reduction Fund (GGRF) created under Government Code section 16428.8 (also known as the California Climate Investments program), administered by the California Air Resources Board (ARB) and possibly other funding sources, pending legislative approval. All GGRF-funded programs must advance Assembly Bill 32 (Núñez, Chapter 488, Statutes of 2006) as the primary program goal.

Rebates will be awarded on a first-come, first-served basis to eligible residential consumers who purchase qualified residential products during the rebate offer period until Rebate Program funds are exhausted or the Energy Commission issues a public notice closing the rebate offer period, whichever occurs first. The Rebate Program will supplement and not supplant current rebate offerings available through utility, manufacturer, and retailer programs. The combined rebate amount from all rebate program sources must not exceed the total appliance cost.

3. Period of Performance and Rebate Offer Period

Rebates will be offered contingent on legislative funding for clothes washers. Once funding is secured, the Energy Commission will make a public announcement of the Rebate Program start date. Rebates will continue to be offered until program funds are exhausted or the Energy Commission issues a public notice closing the rebate offer period, whichever occurs first. To avoid overallocation of program funds, the Energy Commission intends to publish program information regularly to keep consumers and participating retailers informed on the amount and availability of funds. The Energy Commission will issue a public notice announcing the start of the rebate offer period.

4. Rebate Program Structure

a. Rebate Processing

California is experiencing a state of emergency due to severe drought conditions. The drought, in its fourth year in 2015, is expected to continue beyond 2016. California's water supplies are severely depleted with record low snowpack in the Sierra Nevada Mountains and decreased water levels in most of California's reservoirs. Drought-stricken communities are already

experiencing the reality of residents running out of water. The Energy Commission is committed to maximizing water savings through efficiency measures without delay.

The Energy Commission will hire an experienced Rebate Administrator to administer a statewide program to provide consumer rebates for purchase of water efficient appliances. The Rebate Administrator will perform services that may include, but will not be limited to, developing and managing a website to administer the Rebate Program; creating a database to record and track all program elements; educating consumers and retailers about the Rebate Program; providing estimates for incentive funding duration, GHG emission reductions, water savings, and energy savings; developing an online rebate application; receiving rebate applications and validating claims to ensure Guidelines are met; issuing rebate checks to consumers who submit compliant applications; and developing a point-of-sale instant Rebate Program. The Rebate Administrator will also provide a customer service call center; and guard against fraud, waste, and abuse of the Rebate Program. GHG emission reductions must be quantified using a method approved by ARB.¹

b. Rebate Program Administration

The Energy Commission requested Rebate Program funds from the GGRF through a budget appropriation from the legislature. The Energy Commission will use a GGRF allocation to fund qualifying product rebates, outreach and education, and administrative costs to implement the Rebate Program.

5. Eligible Appliances

a. Appliance Categories

Under Executive Order B-29-15 and emergency directives, the Rebate Program targets appliances with the largest water and energy savings potential and cost-effectiveness. The Energy Commission selected clothes washers to be rebated at \$100 each. Eligible clothes washers must be:

- Listed in the Energy Commission's Appliance Efficiency Database.
- ENERGY STAR® compliant (see Table 1).

¹ ARB is required to develop quantification methods for agencies receiving Greenhouse Gas Reduction Fund (GGRF) appropriations per Senate Bill 862 (Committee on Budget and Fiscal Review, Chapter 36, Statutes of 2014). Quantification methods are posted on ARB's auction proceeds website at <http://www.arb.ca.gov/auctionproceeds>.

Table 1: ENERGY STAR® Criteria for Residential Clothes Washers

Product Type	Current Criteria Levels (as of March 7, 2015)
ENERGY STAR Residential Clothes Washers, Front-loading (> 2.5 cu-ft.)	IMEF \geq 2.38 IWF \leq 3.7
ENERGY STAR Residential Clothes Washers, Top-loading (> 2.5 cu-ft.)	IMEF \geq 2.06 IWF \leq 4.3
ENERGY STAR Residential Clothes Washers (\leq 2.5 cu-ft)	IMEF \geq 2.07 IWF \leq 4.2

Source: https://www.energystar.gov/index.cfm?c=clotheswash.pr_crit_clothes_washers

A list of qualifying clothes washers will be made available on the Rebate Administrator's Rebate Program website. Only those appliance models that have been shown to meet the specified Rebate Program criteria will qualify for a rebate.

The metrics used to calculate water savings and energy savings for clothes washers are based on the savings of 13 gallons of water per load compared to 27 gallons of water per load as the base for older inefficient models. The metrics are in line with ENERGY STAR® certified clothes washers that average 13 gallons of water per load.

The ENERGY STAR certification was selected as the efficiency standard of the Rebate Program based on:

- The prominence ENERGY STAR brand has in the marketplace of providing consumers with information on products that can save energy, save money, and help reduce GHG emissions.
- ENERGY STAR certified clothes washers use about 25 percent less energy and 40 percent less water than other washers, resulting in significant savings.
- The ENERGY STAR criteria for clothes washers changed on March 7, 2015, resulting in greater savings.

The Energy Commission has selected qualifying clothes washers based on the greatest water and energy savings, and GHG emission reduction benefits to California consumers in both the short and long term in comparison to the cost of administering a Rebate Program.

Table 2: Appliances and Rebate Amounts to Be Included in the Rebate Program

Category	Water Savings per Unit	Proposed Rebate	GHG Savings
	Gallon/year	\$/unit	MT CO ₂ /year
Clothes washers	5,110	\$100	10,384

Source: California Energy Commission, Efficiency Division, Appliances Office

The Energy Commission reserves the right to change the Rebate Program to include more appliances.

b. Education and Outreach

The Energy Commission, in coordination with the Governor’s Save Our Water campaign is working to educate the public about the drought, as well as the Rebate Program. The Rebate Administrator will display education and outreach materials in major retailers with information including, but not limited to:

- Rebates offered.
- Eligible appliances.
- Instructions on how to apply for the rebate.
- Other residential water saving tips.

Eligible appliance floor models will exhibit cling stickers showing the rebate amount. Tear-off pad flyers with information on how to apply for a rebate and other water saving tips will be on display on or near the eligible appliances.

6. Rebate Program Eligibility Rules

The following types of rebates may be offered:

1. **Online rebate** – Customer purchases an eligible appliance and then submits a rebate application online using the Rebate Administrator’s Rebate Program website.
2. **Mail-in rebate** – Customer purchases an eligible appliance and then submits a rebate application in paper form by mail (available for customers without email access) to the Rebate Administrator.
3. **Instant rebate** – Customer purchases an eligible appliance and receives a rebate at the point of sale without submitting a rebate application.

Rules for Multiple Rebates:

1. **Other Rebate Programs** -- Consumers can combine this clothes washer rebate with other rebates, such as water district and energy utility rebates. The Rebate Program will supplement and not supplant current rebate offerings available through utility, manufacturer, and retailer programs. However, consumers will not be able to participate in other rebate programs that are GGRF-funded for the same appliance. The combined rebate amount from all rebate program sources must not exceed the total project cost for the one appliance.

2. **Multiple Residences** -- Rebates are limited to one appliance type per owner/renter at a California residential address. For example, a consumer is limited to one rebate for a clothes washer at a given residential address. A landlord may purchase eligible appliances for multiple units and apply for a rebate for each address. In addition, a person owning multiple residences may purchase eligible appliances for multiple residences and apply for a rebate for each address.
(See Purchase Restrictions Below)

a. Qualifying Purchaser

To qualify for an **online rebate** or **mail-in rebate**, a purchaser must meet the following criteria:

- Reside at a California residential address.
- Purchase a new, qualifying appliance model.
- Replace an inefficient appliance model.
- Make the purchase within the specified rebate offer period.
- Install the appliance at a California residential address.
- For purchases made from online retailers, the online retailers must have a physical location (brick-and-mortar store) in California, and the purchaser's installation address must be within California. The appliance must be either delivered to a California address or picked-up in a California store.
- Submit a completed rebate application to the Rebate Administrator within 90 days of the date of the appliance purchase and include proof of purchase.
- If the Rebate Administrator deems a submitted application incomplete, the applicant has 30 days to supply the missing information. If after 30 days the applicant has not completed the rebate application, the application may be denied, and the applicant must reapply.
- Accept Rebate Program terms and conditions.

To qualify for an **instant rebate**, a purchaser must meet the following criteria:

- Reside at a California residential address.

- Purchase a new, qualifying appliance model.
- Replace an inefficient appliance model.
- Make the purchase within the specified rebate offer period.
- Purchase the appliance in-person from a participating retail store.
- Install the appliance at a California residential address.
- Accept Rebate Program terms and conditions.

b. Purchase Restrictions

- Rebates are limited to one appliance per owner/renter at a California residential address. A “residential address” may be a detached single-family home, a condominium unit, an apartment unit, or a mobile home. (Post office box addresses do not qualify.)
- For **online rebate** and **mail-in rebate**, the appliance must be installed in the residence prior to submittal of the complete rebate application.
- Consumers who receive the qualifying appliance through a direct install program are not eligible for the Rebate Program.
- Rebates will be awarded first-come, first-served as long as Rebate Program funds are available. **Online rebates** will be based on the online submittal date stamp of a complete rebate application received by the Rebate Administrator; **mail-in rebates** will be awarded based on postmark stamp on the envelope of the rebate application received by the Rebate Administrator; and **instant rebates** will be based on the in-store purchase date at point of sale. Rebate applications submitted outside the specified time frames will not qualify.
- Rebates will not be issued for appliances purchased before or after the rebate offer period.
- Consumers cannot apply for or retain a rebate for a returned qualifying appliance. If a consumer returns a qualifying appliance, a rebate application cannot be submitted. If the rebate application was submitted prior to returning the appliance, the consumer must attempt to cancel the rebate application with the Rebate Administrator prior to receiving the rebate. If cancellation is not possible, then the consumer must return the rebate to the Rebate Administrator.
- The purchaser must allow access to an inspector to verify installation, if required. If installation cannot be verified at that time, the applicant must reimburse the Energy Commission or the Rebate Administrator, including all associated processing costs.
- Eligible appliances or products and rebate amounts are subject to change at any time.

- The rebate amount may not exceed the actual cost of the appliance. Actual costs exclude tax, shipping, labor, and other charges.
- If a customer has already received a rebate for an appliance at a residential address from a GGRF-funded (also known as the California Climate Investments fund) program, a subsequent claim cannot be submitted for any additional rebates for the same appliance at the same residential address under the Energy Commission's Appliance Rebate Program. A customer may, however, receive a rebate for the same appliance through other rebate programs that are not GGRF-funded.
- The Energy Commission is not responsible for any taxes that may be imposed as a result of a consumer receiving the rebate.
- The Energy Commission is not responsible for any delivery or installation charges.
- The Energy Commission makes no representation of warranty relating to an appliance, including any hazardous substances that may be contained in it.
- By submitting an **online rebate** or **mail-in rebate**, or receiving an **instant rebate**, applicant waives and releases the Energy Commission and its contractors or agents from any and all claims and causes of action arising out of the installation or use of qualified appliances or products.
- Rebate checks for **online rebate** and **mail-in rebate** applications will be issued to California residents directly by the Rebate Administrator and will become void six (6) months after the issuance date on the face of the check.
- **Instant rebates** will be credited to the purchaser's retail price at the point of sale.
- Within the first five (5) years after receipt of the rebate, consumer may not resell the qualifying appliance at a resale price which is higher than that paid by the consumer minus the rebate (i.e., consumer may not resell the qualifying appliance to obtain a profit of the rebated amount on the qualifying appliance).
- Rebated appliance will replace an existing inefficient appliance. Inefficient appliances being replaced by the rebated appliance must be disposed of in accordance with local rules of the city and county of the residential address.

c. Proof of Purchase

Proof of purchase for **online rebate** and **mail-in rebate** applications may consist of a complete "rebate application" with sections for the following:

- Purchaser information (for example, first and last name, mailing address, physical address of installed appliance, telephone number, and email address).
- Appliance information (for example, type, brand, model number, and serial number).
- Purchaser type (for example, property owner or tenant).

- Property type (for example, single-family home, condominium unit, apartment unit, or mobile home).
- Inspection contact information, if necessary in the event of an inspection (for example, first and last name, address where appliance installed, telephone number, and email address).
- Contractor, retailer, dealer, or service provider information (for example, name, mailing address, telephone number, email address, and business or contractor's license number issued by an authorizing governmental agency if applicable).
- The dated online or wet signature of the purchaser stating that the purchase meets the conditions of the Rebate Program and that all required proof is included with the application.
- Acknowledgement of Rebate Program terms and conditions as provided by the Energy Commission (for example, Rebate Program eligibility rules, release of liability, statement that purchase meets Rebate Program eligibility rules, statement that rebate claim contains all required information, statement that purchaser must comply with applicable Guidelines, rules and regulations, and statement that information provided is true and correct).
- A copy of the original purchase receipt, paid invoice, or an original rebate receipt showing the date and retailer location (full mailing address) of the purchase.
- A recent copy of the purchaser's water or energy utility bill, for address verification.
- The original Universal Product Code (UPC) label from the appliance box or packaging or equivalent.

Proof of purchase for **instant rebates** may consist of:

- Purchaser information (for example, first and last name, mailing address, address of installed appliance, telephone number, and email address).
- Purchaser type (for example, property owner or tenant).
- Property type (such as a single-family home, condominium unit, apartment unit, or mobile home).
- Inspection contact information, if necessary in the event of an inspection (for example, name, address, telephone number, and email address).
- Acknowledgement of Rebate Program terms and conditions as provided by the Energy Commission (for example, Rebate Program eligibility rules, release of liability, statement that purchase meets Rebate Program eligibility rules, statement that rebate claim contains all required information, statement that

purchaser must comply with applicable Guidelines, rules and regulations, and statement that information provided is true and correct).

Retailer will provide appliance information (such as type, brand, model number, and serial number).

d. Online and Mail-In Rebate Processing

The Rebate Administrator will implement an online rebate system, including a customer service call center, to assist consumers filing applications and can accommodate consumers with no email access by taking Rebate Program application information over the phone, followed by proof of purchase sent in by mail. Printed, mail-in rebate applications with proof of purchase will also be accepted. The process for these rebates, not including instant rebates, is expected to occur as follows:

- Eligible residential consumers submit online rebate applications or mail-in rebate applications to the Rebate Administrator consisting of the materials specified on the Rebate Program website and in outreach and education materials provided at retailer locations.
- The Rebate Administrator receives and processes rebate claims, verifying that the claims satisfy the Guidelines and other Rebate Program requirements.
- The Rebate Administrator submits invoices for payment to the Energy Commission.
- The Rebate Administrator mails checks to consumers whose online rebate and mail-in rebate claims have been verified as eligible.
- The Rebate Administrator addresses consumer questions and concerns and tracks the progress of the Rebate Program, including rebate expenditures, remaining funds, water and energy savings, and GHG emission reductions.
- When program funds are exhausted, any remaining claims will be rejected, claimants will be notified, and a public announcement will be made that rebates are no longer available.
- A waiting list for rebate claims may be established to prevent oversubscription and will be clearly identified as such on the rebate website.

7. Approval of Contracts and Rebates

The Energy Commission's contract with the Rebate Administrator will include the project description, work statement tasks, milestones and corresponding due dates, budget, and project schedule. Failure to meet any work statement tasks and milestones within the schedule or budget specified in the contract may result in cancellation of the contract by the Energy Commission.

Formal Energy Commission approval of each consumer rebate is not required. The rebates will be paid as specified in these Guidelines and the contract with the Rebate Administrator.

8. Reports and Documentation

The Rebate Administrator is required to submit monthly progress reports and a final report to Energy Commission's agreement manager (CAM), as specified in the contract. The Rebate Administrator will be responsible for tracking and reporting metrics including, but not limited to, GHG emission reductions, water savings, and energy savings; appliance models rebated; number of online rebate and mail-in rebate applications received and processed; number of instant rebates issued; and rebate dollars issued each for online rebates, mail-in rebates, and instant rebates. The metrics are reported to the CAM monthly in accordance with the Rebate Administrator contract and the ARB's *Cap-and-Trade Auction Proceeds Funding Guidelines for Agencies that Administer California Climate Investments* released June 16, 2015, and as may be updated (*ARB Cap-and-Trade Guidelines*). The Rebate Administrator will also provide the tracking metrics to the Energy Commission over the life of the Rebate Program.

9. Rebate Program Extension

If more funding becomes available, the Rebate Program can be extended by the Energy Commission. The Rebate Program will end when the funding amount is expended. Announcements will be made on the Rebate Program website when funding is low and when funding is exhausted.

10. Financial Audits, Record Retention, and Access to Facilities

Upon written request from the Energy Commission, the Rebate Administrator shall provide detailed documentation of all expenses, allow the Energy Commission or its agent access to facilities and records, and allow the Energy Commission or its agent to collect data needed to measure and verify expenditures and proper rebate payments. The Rebate Administrator must allow any representative of the Energy Commission, or any other agency of the state designated by the Energy Commission, to have reasonable access to and the right of inspection of all records and transactions that pertain to the rebate services and issuance, and to interview any officer or employee regarding transactions during the term of the Rebate Program and for a minimum of three years after the Rebate Program has been formally concluded or the Energy Commission makes final payment on the contract, or final rebate is issued whichever is later, unless otherwise specified in the contract. Further, the Rebate Administrator must agree to incorporate an audit of the Rebate Program within any scheduled audits, when specifically requested by the Energy Commission or the State of California.

The Rebate Administrator shall retain all project records (including financial records, progress reports, and payment requests documentation) for a minimum of three years after the Rebate

Program has been formally concluded, or the Energy Commission makes final payment on the contract, whichever is later, unless otherwise specified in the contract.

The Rebate Administrator must include the above audit, record retention, and access rights in any subcontract.

11. Use and Disclosure of Information and Reports

The Energy Commission, other state agencies as designated by the Energy Commission, or their respective authorized agents or Rebate Administrator may use any information or records submitted to the Energy Commission, the Rebate Administrator or obtained as part of any audit following these Guidelines to determine eligibility and compliance with these Guidelines, applicable law, or the Rebate Administrator contract, in order to evaluate the pertinent program or program elements, and to prepare necessary reports as required by law.

Rebate Program information and records may be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. Rebate Program information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.) and available for public review on the ARB website. Personal information of rebate applicants and/or recipients, such as name and address, will not be disclosed to the public.

Information concerning the ZIP code of rebate recipients, the amount of rebate awards and other aggregated information is public information, and will be disclosed in accordance with the California Public Records Act. This information may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy Commission's website, another state agency's website, or through other means.

If, as part of any audit, investigation, or enforcement action the Energy Commission requires copies of records that the Rebate Administrator or the Energy Commission believes contain personal information or proprietary information entitled to protection under the California Public Records Act, Information Practices Act, or other law, such records may be designated as confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.

12. Refund and Enforcement Action

a. Recovery of Overpayment

If the Energy Commission determines that a consumer, retailer or the Rebate Administrator was paid Rebate Program funds in error or due to fraud, the party who received the overpayment shall be required to repay the funds immediately. If such repayments are not received, the Energy Commission may take any actions as specified in these Guidelines and the law, including withholding further payments.

The Energy Commission may also direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any funding recipient to recover any portion of payment the Commission determines the rebate recipient was not otherwise entitled to receive.

b. Fraud and Misrepresentation

The Energy Commission may investigate any funding recipient, including, but not limited to consumer, retailer, or the Rebate Administrator, which it has reason to believe may have misstated, falsified, or misrepresented information in applying for a rebate, invoicing for a funding payment, or in reporting any information as required by these Guidelines, applicable contract(s), or other Rebate Program requirements. Based on the results of the investigation, the Energy Commission may take any action it deems appropriate, including, but not limited to, cancellation of the funding and contract, recovery of any overpayment, and recommending the initiation of an Attorney General investigation and prosecution pursuant to Government Code sections 12650, et seq., or other provisions of law.

The State of California, through the Attorney General's Office or other state agency, may independently investigate any funding recipient, including, but not limited to consumer, retailer, or the Rebate Administrator, and bring actions for fraud, misrepresentation, or misuse of funds as appropriate.

13. Indemnification

To the extent allowed under California law, Rebate Program fund recipients, including a consumer, retailer, and the Rebate Administrator, will indemnify, defend, and hold harmless the State (including the Energy Commission) and state officers, agents, and employees from any and all claims and losses in connection with the Rebate Program.

14. Governing Law

The Rebate Program and rebates issued under it are governed by the laws of the State of California, including as to interpretation and performance.

15. Severability

If any provision of these Guidelines is unenforceable or held to be unenforceable, all other provisions will still remain in full force and effect.

16. Waiver

No waiver of any breach of these Guidelines constitutes waiver of any other breach. All remedies will be taken and construed as cumulative, meaning in addition to every other remedy available under the Rebate Program or any other law.

17. Direct Install Program

The Direct Install Program is the second phase of the Energy Commission's drought response effort under Directive 4 of the Executive Order. Phase 2 will target disadvantaged and drought-impacted communities in California by investing funds to ensure at least 25 percent of its allocated GGRF (also known as California Climate Investments) funds are dedicated to projects in disadvantaged communities, and target projects physically located within disadvantaged community census tracts using the CalEnviroScreen tool.

The Energy Commission plans to partner with CSD and DWR through CSD's existing residential Low-Income Weatherization Program to provide water-reducing clothes washers, dishwashers, kitchen and lavatory faucets, and showerheads to eligible single-family and multifamily residents in disadvantaged communities. The Energy Commission may develop, negotiate, and enter into an interagency agreement with CSD to allocate GGRF funds to the Low-Income Weatherization Program for the water-saving appliances listed above.

The intent of the interagency agreement is to leverage the Energy Commission's Rebate Program funding with a sister agency's existing and related programs to identify eligible residents (residing in disadvantaged communities) in need of energy-efficient, water-reducing appliances and fixtures. By combining funding and leveraging resources, these local programs will also be able to offer energy-efficient, water-reducing appliances and fixtures, which will not only save water during the current drought, but result in reduction of GHG emissions. CSD may amend its existing contracts with providers across California to include water-saving appliances in the program and include water-saving measures to its tracking database to report GHG emission reductions, water savings, and energy savings resulting from the GGRF funding. **These Guidelines will be revised and workshops held to incorporate changes before the Direct Install Program is launched.**

18. Guideline Authority

These Guidelines are adopted according to Executive Order, B-29-15 Directive 30 which states the following: *"chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them."*

19. Interpretation

Nothing in these Guidelines shall be construed to abridge the powers or authority of the Energy Commission.

20. Effective Date of Guidelines

The Guidelines shall not be effective until adopted by the Energy Commission at a publicly noticed meeting. The Energy Commission will post the adopted final Guidelines on its website at <http://www.energy.ca.gov/drought/>.

Applicants may also obtain paper copies of the Guidelines by contacting WaterApplianceRebates@energy.ca.gov.

21. Changes to Guidelines or Rebate Program

The Energy Commission reserves the right to make changes to the Rebate Program requirements or Guidelines in accordance with an executive order or other requirements, including any changes to *ARB Cap-and-Trade Guidelines* issued for California Climate Investments program or GGRF funding. Changes will take effect after adoption by the Energy Commission at a publicly noticed meeting as required. The Energy Commission also reserves the right to suspend or terminate the Rebate Program if necessary or revise the amount of funds available for rebates.

22. Confidentiality

Information may be held confidential as required by law.

23. Tracking and Reporting

State reporting requirements for the Rebate Program are specified under *ARB Cap-and-Trade Guidelines*. The Energy Commission requires the Rebate Administrator to meet the ARB reporting requirements for participation in the Rebate Program.

For the Energy Commission to comply with these requirements, periodic information may be requested of the Rebate Administrator. Regular reporting as specified in the contract will be required of the Rebate Administrator.

The Energy Commission will provide regular updates on expenditures, project status, and benefits in reports prepared in accordance with the *ARB Cap-and-Trade Guidelines*. Reports will include, but are not limited to, expenditure amounts, GHG emission reductions, and quantification of applicable co-benefits including water savings and energy savings.