

DOCKETED

Docket Number:	18-OIR-01
Project Title:	Energy Data Collection - Phase 2
TN #:	240077
Document Title:	Resolution Adopting Regulations
Description:	Resolution No.: 21-1013-5
Filer:	Liza Lopez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/15/2021 11:47:59 AM
Docketed Date:	10/15/2021

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

ENERGY DATA COLLECTION - PHASE 2

Docket No. 18-OIR-01

**RESOLUTION ADOPTING
REGULATIONS**

WHEREAS, on June 17, 2021, the State Energy Resources Conservation and Development Commission ("California Energy Commission" or CEC) mailed and posted on the CEC's website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to adopt proposed regulations for the Energy Data Collection – Phase 2 rulemaking, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

WHEREAS, on June 18, 2021, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency, and mailed to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action; and

WHEREAS, each of these documents and notices was provided to every person on the CEC's Energy Data list serve, the CEC's Rulemaking list serve, and to every person who had requested notice of such matters, and was posted to the Commission's website; and

WHEREAS, on August 2, 2021, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on August 6, 2021, the Lead Commissioner for the rulemaking held a public hearing, as noticed in the NOPA, to receive oral comments on the proposed regulations; and

WHEREAS, on October 1, 2021, the CEC provided notice designating October 13, 2021 as the date for the hearing to consider adoption of the proposed amendments; and

WHEREAS, on October 13, 2021, the CEC held a public hearing to consider adoption of the regulations and did so adopt the regulations.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed regulations do not meet the definition of a “project” under Public Resources Code section 21065 because they are not an activity that is capable of causing a direct or reasonably foreseeable indirect physical change in the environment.

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in marginal costs to the CEC for implementation, but no costs or savings to any other state agency; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state’s environment; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the statutes for which it is proposed, that would be

as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and

- The proposed regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed regulations will require new reports, and that minimal additional information be added to existing reports, that are required to be submitted to the CEC. It is necessary for the health, safety, and welfare of the people of the state that these regulations apply to business. It is also necessary for the CEC to have a detailed understanding of energy supply and demand as the state undertakes its aggressive decarbonization goals; and
- None of the comments received during the comment period, at the public hearing, or at the public adoption hearing, and nothing else in the record, justify any changes to the proposed regulations as published on June 17, 2021.

THEREFORE BE IT RESOLVED, additionally, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the Energy Data Collection – Phase 2 regulations, as set forth in the express terms that were published on June 17, 2021.

The CEC takes this action under the authority of Sections 25213, 25218(e), and 25320 of the Public Resources Code, which mandate and authorize that the CEC adopt rules and regulations, as necessary, to manage a data collection system for obtaining information necessary to develop the policy reports and analysis required by statute.

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record can be found at the Warren-Alquist State Energy Building, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-OIR-01>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to making any appropriate nonsubstantive or nonsubstantial changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); and making any changes to the rulemaking file required by OAL.

CERTIFICATION

The undersigned Secretariat to the CEC 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 CEC held on October 13, 2021.

AYE: Hochschild, Gunda, Douglas, Monahan

NAY: NONE

ABSENT: McAllister

ABSTAIN: NONE



Liza Lopez
Secretariat