

DOCKETED

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: REVISIONS TO THE GUIDELINES FOR CALIFORNIA'S SOLAR
ELECTRIC INCENTIVE PROGRAMS (SENATE BILL 1), SEVENTH EDITION

WHEREAS, Senate Bill 1 (SB 1) (Murray, Statutes of 2006, Chapter 132), as codified in Public Resources Code sections 25780-25784 directs the California Energy Commission (CEC) to adopt guidelines to establish eligibility criteria, conditions for incentives, and rating standards for ratepayer-funded solar energy incentive programs, including incentive programs administered by the CEC, the California Public Utilities Commission, and local publicly owned electric utilities; and

WHEREAS, on December 19, 2007, in accordance with Public Resources Code sections 25780-25784, the CEC adopted guidelines entitled, *Guidelines for California's Solar Electric Incentive Programs Pursuant to Senate Bill 1* (SB 1 Guidelines), which were most recently revised in 2018; and

WHEREAS, the SB 1 Guidelines require photovoltaic module equipment to be tested by accredited third-party test laboratories; and

WHEREAS, CEC staff proposes a resolution to amend the SB 1 Guidelines by changing the starting date for when the CEC will only accept a safety certification for photovoltaic modules issues by a Nationally Recognized Testing Laboratory (NRTL) with UL 61730 in its scope of recognition, and proposes to change the start date from January 1, 2022 to a deadline of two years after Occupational Safety & Health Administration determines that UL 61730 is an appropriate test standard for the NRTL program, as described in the Notice to Consider Adoption of Revisions to the SB1 Guidelines docketed and distributed for public comment on November 19, 2021; and

WHEREAS, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed SB 1 Guideline amendments and concluded that the proposed amendments do not meet the definition of a "project" under Public Resources Code section 21065 because they are a continuing administrative activity related to general policy and procedure making, and, even if the SB 1 Guideline amendments were considered a project, then the project would fall under the "common sense exemption" in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility it would have a significant effect on the environment; and

WHEREAS, the CEC has considered staff's proposed revisions to the SB 1 Guidelines and alternatively finds that its adoption is exempt from CEQA for the reasons stated by the Chief Counsel's Office.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the SB 1 Guideline amendments are not subject to CEQA because they do not meet the definition of a "project" under Public Resources Code section 21065 as they are not an activity that can cause a direct or reasonably foreseeable indirect physical change in the environment and, even if they were a project, they are exempt from CEQA pursuant to the common sense exemption (Cal. Code Regs., tit 14, 15061 subd. (b)(3) because there is no reasonable possibility that the activity will have a significant effect on the environment, including due to unusual circumstances; and


FURTHER BE IT RESOLVED, that the CEC hereby adopts the revisions to the SB 1 Guidelines; and

FURTHER BE IT RESOLVED, that the CEC delegates the authority and directs the executive director or their designee to take on behalf of the CEC all actions reasonably necessary to have the proposed amendments go into effect, including but not limited to, making any appropriate non-substantive changes to the guidelines, preparing all appropriate documents, and implementing the revisions to the SB 1 Guidelines on the CEC's behalf.

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 December 8, 2021.

AYE: Hochschild, Gunda, Douglas, McAllister, Monahan
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE



Liza Lopez
Secretariat