

**STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

In the Matter of:	)	<b>Docket No. 03-QCTA-1</b>
	)	<b>ORDER NO. 05-0216-02</b>
RULEMAKING TO ESTABLISH	)	<b>Order Adopting Regulations</b>
REGULATIONS TO IMPLEMENT	)	<b>to Approve Technical Assistance</b>
THE ENERGY COMMISSION'S	)	<b>Providers and Certifiers for the</b>
RESPONSIBILITIES UNDER THE	)	<b>California Climate Action Registry</b>
CALIFORNIA CLIMATE ACTION	)	
REGISTRY	)	
_____	)	

**I. Background**

On June 11, 2003, the California Energy Commission (Commission) adopted an Order Instituting Rulemaking (OIR) to establish regulations to implement the Commission's responsibilities under Health and Safety Code section 42800 et seq., regarding the California Climate Action Registry. The Commission delegated to its Transportation Committee the authority to conduct the proceeding. On March 25, 2004, the Commission filed with the State Office of Administrative Law the notice of proposed action, initial statement of reasons, a Statement of Economic and Fiscal Impacts (Form 399), and the complete text of the proposed regulations to approve technical assistance providers and certifiers for the California Climate Action Registry, as required by the California Administrative Procedures Act. On April 9, 2004, the notice of proposed action was published in the California Regulatory Notice Register, mailed to interested parties, and posted on the Energy Commission's web site. Publishing the notice in the California Regulatory Notice Register began a 45-day public comment period, which ended on May 24, 2004. On May 10, 2004 the Commission conducted a workshop to discuss and receive comments on the proposed regulations. As a result of these comments, as well as comments received during the public comment period, the Commission decided to withdraw several portions of the proposed regulations. On January 14, 2005, the Commission mailed to interested parties the Notice of Availability of 15-Day Language which included the changes to the proposed regulations and established a second public comment period which ended on February 16, 2005.

## **II. Authority and Reference**

The Commission is authorized to adopt regulations to approve Technical Assistance Providers and Certifiers for the California Climate Action Registry pursuant to Public Resources Code sections 25213 and 25218(e), and Health and Safety Code sections 42842 and 42870. The adopted regulations implement Health and Safety code section 42870.

## **III. Findings**

Based on the entire record of this proceeding, we find as follows:

A. The Administrative Procedure Act. The adopted regulations:

- (1) will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states;
- (2) will not create or eliminate a significant number of jobs within California;
- (3) will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California;
- (4) will impose no costs on private persons;
- (5) impose no direct or indirect requirements or costs 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 the Government Code;
- (6) will result in no costs or savings in federal funding to the State;
- (7) will not affect housing costs;
- (8) will have no significant adverse effect on businesses in general or small businesses in particular (because to the extent the adopted regulations change requirements for businesses, they only decrease them);
- (9) have no known costs that a representative person or business would incur in compliance; and
- (10) have no alternatives that would be more effective in carrying out the purpose for which this action is proposed or would be as effective as and less burdensome to affected private persons than the regulations proposed for adoption.

- B. The California Environmental Quality Act. The adopted regulations will not result in a direct, or reasonably foreseeable indirect, physical change in the environment and therefore are not subject to the California Environmental Quality Act.

#### IV. Adoption of Regulations


On February 16, 2005, the Commission held a public hearing to receive comments on the proposed regulations and to consider their adoption. After considering all comments received and the staff's responses, the Commission voted [unanimously] to approve the regulations.

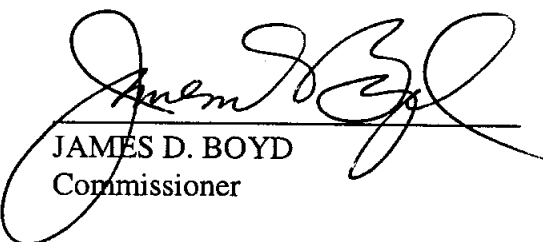
The Commission hereby adopts the regulations to approve Technical Assistance Providers and Certifiers for the California Climate Action Registry, which are attached, and continues in effect its delegation to the Transportation Committee of the authority to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to incorporating any changes approved at the Business Meeting into the final Express Terms submitted to OAL; making any nonsubstantive changes required by OAL; and preparing and filing all appropriate documents, such as the Final Statement of Reasons at OAL.

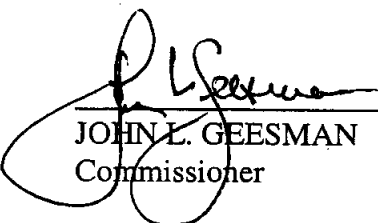
Dated: February 16, 2005

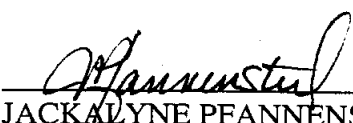
ENERGY RESOURCES  
CONSERVATION AND  
DEVELOPMENT COMMISSION

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