

STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

<b>DOCKET</b> 05-AAER-1
DATE <del>OCT</del> 19 2005 RECD. DEC 14 2005

Appliance Efficiency Regulations )  
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Docket No. 05-AAER-1  
Order Number 05-1019-04

**ORDER ADOPTING REGULATIONS  
AND DIRECTING ADDITIONAL RULEMAKING ACTIVITIES**

**I. ADOPTION OF REGULATIONS**

The California Energy Commission ("Commission") adopts amendments to its appliance efficiency regulations. (California Code of Regulations, title 20, Sections 1601 – 1608). We take this action under the authority of, and to implement, interpret, and make specific, Sections 25213, 25216.5(d), 25218(e), and 25402(c) of the Public Resources Code.

On June 24, 2005, the Commission published a Notice of Proposed Action ("NOPA") concerning the potential adoption of new and amended regulations on appliance efficiency, along with the Express Terms of the proposed regulations ("45-Day Language") and an Initial Statement of Reasons ("ISOR") describing the rationale for the proposal. The NOPA designated August 10, 2005, as the date for a hearing to consider adoption of the proposed regulations. In response to public comments received on the 45-Day Language, on August 10 we decided not to adopt the proposed regulations, but rather to issue a revised proposal ("15-Day Language").

We published a 15-Day Language proposal on August 19, 2005. Following additional public comments, we published a second 15-Day Language proposal on September 30, 2005 (available at [www.energy.ca.gov/appliances/2005rulemaking/-documents/2005%209-30\\_2ND\\_15-DAY\\_EXPRESS\\_TERMS.PDF](http://www.energy.ca.gov/appliances/2005rulemaking/-documents/2005%209-30_2ND_15-DAY_EXPRESS_TERMS.PDF) (as visited October 18, 2005)). Today, we adopt the September 30 15-Day Language, as modified by the non-substantive Errata distributed at the October 19, 2005, hearing on this matter; however, we do not adopt the proposed addition of the phrase " and averaged as specified in 10 CFR Section 430.24(r)" to the end of the definition of "Average lamp efficacy (LPW)" in Section 1602(k).

**II. FINDINGS**

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

- A. The Warren-Alquist Act. Although we are not adopting any new efficiency standards, in order to be certain that the record is clear, we find that the adopted regulations:

- (1) are based on reasonable use patterns;

- (2) apply to appliances whose use requires a significant amount of energy on a statewide basis;
- (3) require efficiencies that are feasible and attainable; and
- (4) do not result in any added total costs to the consumer over the designed life of the appliances concerned.

B. 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 in California;
- (3) will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California;
- (4) will not impose costs on private persons;
- (5) will impose no direct costs or direct or indirect requirements 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;
- (9) will have no significant costs that a representative person or business would incur in compliance (\$360 per year per appliance for appliance manufacturers); and
- (10) have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes.

C. The California Environmental Quality Act. The adopted regulations will not result in a direct, or reasonably foreseeable indirect, significant adverse effect on the environment.

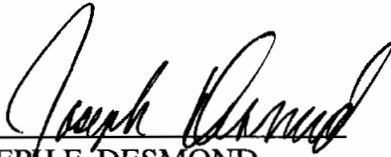
### III. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Commission continues in effect its delegation to the Efficiency Committee (Vice Chair Pfannenstiel, Presiding Member, and Commissioner Rosenfeld, Associate Member) 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 October 19, 2005, hearing into the final Express Terms submitted to the Office of Administrative Law ("OAL"); making any appropriate nonsubstantive, editorial-type changes; and preparing and filing all appropriate documents, such as the Final Statement of Reasons at OAL.

This rulemaking is a continuation of a previous rulemaking that culminated in an Adoption Order on December 15, 2004 (Order No. 04-1215-08). In that Order we directed the Efficiency Committee to examine various issues and report back to us. The Committee has resolved most of the issues in the regulations that we are adopting today, but a few difficult matters, mainly relating to revised efficiency standards for lighting equipment, remain outstanding. Therefore, this rulemaking proceeding shall remain in effect for the consideration of those matters and other issues the Committee finds appropriate (e.g., the availability of metal halide luminaire equipment to meet the adopted 2008 standard and potential "Tier 2" standards).

Dated: October 19, 2005

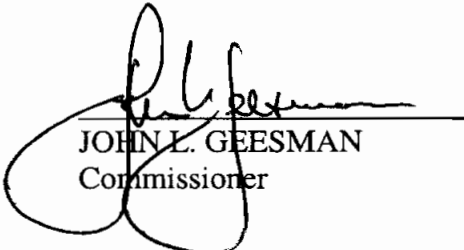
ENERGY RESOURCES  
CONSERVATION AND  
DEVELOPMENT COMMISSION

  
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JOSEPH F. DESMOND  
Chairman

Absent  
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JACKALYNE PFANNENSTIEL  
Vice Chair

  
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ARTHUR H. ROSENFELD  
Commissioner

Absent  
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JAMES D. BOYD  
Commissioner

  
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JOHN L. GEESMAN  
Commissioner

