

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

DOCKET	
06-AAER-1	
DATE	MAY 26 11:11
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Appliance Efficiency Regulations:)	Docket No. 06-AAER-1
External Power Supplies)	Order Number 06-0524-8
_____)		

**ORDER ADOPTING REGULATIONS IN PART,
AND DIRECTING CONTINUATION OF REMAINING RULEMAKING ACTIVITIES**

I. INTRODUCTION

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 February 27, 2006, the Commission published a Notice of Proposed Action (NOPA) and made publicly available the Express Terms (45-day language) of proposed amendments, along with an Initial Statement of Reasons (ISOR) that summarized and explained the rationale for the proposed amendments. The NOPA proposed changes to the existing regulations for external power supplies and digital television adapters that had been adopted on December 15, 2004. The NOPA was provided to every person on the Commission's appliance mailing lists for Consumer Audio and Video Equipment, External Power Supplies, the Appliance Listserver, and to every person who had requested notice of such matters. The NOPA, the ISOR, and the Express Terms were also posted on the Commission's website.

On March 27, 2006, the Commission's Efficiency Committee (Commissioner Jackalyne Pfannenstiel, Presiding Member, and Commissioner Art Rosenfeld, Associate Member) held a hearing, and on April 12, 2006 the full Commission held a hearing to receive comments on the 45-day language.

On April 24, 2006, the Commission published revisions to the 45-day language (15-day language). On that date the Commission provided a notice that included (1) the 15-day language, (2) an explanation of the rationales for the changes, and (3) notification of the public hearing for adoption. The notice was sent to all persons on the mailing list for the NOPA and to any additional persons who had commented on the 45-day language. The notice, the 15-day language, and the explanation of rationales were also posted on the Commission's website. All of the changes made in the 15-day language were sufficiently related to the original text in the 45-day language that the public was adequately placed on notice that the changes could result from the originally-proposed text (no commenter asserted otherwise).

Today, we hereby decide to split this rulemaking package into two parts consisting of: (1) amendments to the existing external power supply standards, and (2) amendments to the existing digital television adapters standards. Today, we hereby adopt amendments from the April 24, 2006 15-Day language for external power supplies and direct the Efficiency Committee to adopt at a later date 15-day language amendments for digital television adapters.

The amendments adopted today delay the effective date for the Tier 1 standards for external power supplies in Table U-1 of section 1605.3(u)(1) by 6 months for external power supplies used with laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, and 12 months for external power supplies used with wireline telephones and all other applications. The Tier 2 standards for external power supplies in Table U-2 of section 1605.3(u)(1) will be delayed by 6 months. The amendments remove from the scope of section 1601 (u) external power supplies that are classified as devices for human use under the Federal Food, Drug, and Cosmetic Act and require U.S. Food and Drug Administration listing and approval as a medical device. The amendments removed from sections 1604 (u) and 1605.3(u) the requirement for testing external power supplies at 230 volts @ 50 Hz. The amendments add to section 1602 (u) definitions needed to clarify the amendments adopted today. And finally, the amendments add in section 1605.3(u)(1) an exemption for 5 years from the effective dates of the Tier 1 (Table U-1) and Tier 2 (Table U-2) standards any power supply that is made available as a service part or spare part by a manufacturer directly to a consumer or a service or repair facility.

II. FINDINGS

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

A. The Warren-Alquist Act. 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; 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. (See Appendix A.)

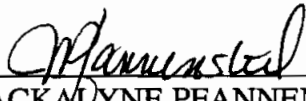
III. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Commission continues in effect its delegation to the 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 May 24, 2006 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.

The original NOPA proposed that the effective date of the standard for digital television adapters was to be delayed by 12 months. This proposed amendment was not adopted by the Commission today. The Commission continues in effect its delegation to the Committee of the authority to take, on behalf of the Commission, all actions reasonably necessary to develop amendments for digital television that the Committee finds appropriate and will be considered under a continuation of this rulemaking.

May 24, 2006

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



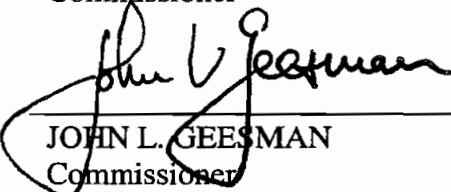
JACKALYNE PFANNENSTIEL
Vice Chair



ARTHUR ROSENFELD, PhD
Commissioner

(Absent)

JAMES D. BOYD
Commissioner



JOHN L. GEESMAN
Commissioner

Appendix A: Addendum to Negative Declaration in Docket No. 04-AAER-01

On December 15, 2004 the Energy Commission approved an Initial Study and Negative Declaration (“NegDec”) for appliance efficiency regulations proposed (and in part adopted) in Docket No. 04-AAER-01. The NegDec determined that the proposed regulations would have “No Impact” on the environment.

Among the regulations assessed in the NegDec were proposed efficiency standards (both “Tier 1” and “Tier 2”) for External Power Supplies. (See item 20 Proposed Project, NegDec p. 2.) The Commission adopted the efficiency standards for Tier 1 and Tier 2 on December 15, 2004. Tier 1 had an effective date of July 1, 2006 and Tier 2 had an effective date of January 1, 2008.

The amendments proposed in Docket No. 06-AAER-1 delay the effective date for the Tier 1 standards for external power supplies in Table U-1 of section 1605.3(u)(1) by 6 months for external power supplies used with laptop computers, mobile phones, printers, print servers, scanners, personal digital assistants, and digital cameras, and 12 months for external power supplies used with wireline telephones and all other applications. The Tier 2 standards for external power supplies in Table U-2 of section 1605.3(u)(1) will be delayed by 6 months. The amendments remove from the scope of section 1601 (u) external power supplies that are classified as devices for human use under the Federal Food, Drug, and Cosmetic Act and require U.S. Food and Drug Administration (FDA) listing and approval as a medical device. The amendments removed from sections 1604 (u) and 1605.3(u) the requirement for testing external power supplies at 230 volts @ 50 Hz. The amendments add to section 1602 (u) definitions needed to clarify the amendments to be adopted under Docket No. 06-AAER-1. And finally, an amendment was add to section 1605.3(u)(1) to provide an exemption for 5 years from the effective dates of the Tier 1 (Table U-1) and Tier 2 (Table U-2) standards any power supply that is made available as a service part or spare part by a manufacturer directly to a consumer or a service or repair facility.

The proposed amendments in Docket No. 06-AAER-1 make less stringent the regulations adopted on December 15, 2004 for Tier 1 and Tier 2 external power supplies because of the: (1) extension of the effective dates, (2) 5 year extension of the effective dates for power supply made available as a service part or spare part by a manufacturer directly to a consumer or a service or repair facility, and (3) specific exemptions for power supplies approved by FDA. The Initial Study for external power supplies showed “No Impact” overall for the proposed regulations adopted on December 15, 2004, and showed a positive environmental benefit in air emission reductions for NO_x, CO, and PM₁₀. (See NegDec, App. A, p. 20.) Because the standards proposed in Docket No. 06-AAER-1 are somewhat less stringent, there will be less environmental benefit, but still no adverse impact; thus the “No Impact” determination in the NegDec is still valid.

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLVED, that the State Energy Resources Conservation and Development Commission approves the proposed Amendments to the Appliance Efficiency Regulations published as Express Terms of Proposed Regulations (15-Day Language) dated April 24, 2006.

May 24, 2006

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION



JACKALYNE PFANNENSTIEL
Vice Chair