

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

DOCKET	
02-REN-1038	
DATE	MAR 14 2007
RECD.	MAR 15 2007

RESOLUTION

WHEREAS, the California Energy Commission has developed its Renewable Energy Program, including elements related to California's Renewables Portfolio Standard (RPS), pursuant to Public Resources Code section 25740 et seq., Public Utilities Code section 399.11 et seq., and former Public Utilities Code sections 381, 383.5, and 445; and

WHEREAS, Public Resources Code section 25747 authorizes the California Energy Commission to adopt guidelines to govern the administration of its Renewable Energy Program, including elements related to the state's RPS; and

WHEREAS, on April 21, 2004, the California Energy Commission adopted guidelines, entitled the *Renewables Portfolio Standard Eligibility Guidebook*, to address the eligibility requirements and process for certifying renewable resources for purposes of meeting the state's RPS pursuant to Public Resources Code section 25740 et seq. and Public Utilities Code section 399.11 et seq., and has subsequently revised these guidelines pursuant to this authority; and

WHEREAS, Public Resources Code section 25747 specifies that substantive changes to the guidelines may be adopted by the California Energy Commission by providing written public notice of at least 10 days; and

WHEREAS, the California Energy Commission's Renewables Committee has proposed revisions to the *Renewables Portfolio Standard Eligibility Guidebook* to address changes in the law as a result of Senate Bill 107 (Statutes of 2006, Chapter 464), Senate Bill 1250 (Statutes of 2006, Chapter 512) and Assembly Bill 2189 (Statutes of 2006, Chapter 747), and to address regulatory and market developments; and

WHEREAS, the California Energy Commission's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of revisions to the *Renewables Portfolio Standard Eligibility Guidebook* and opined that the adoption of these guidelines is exempt from CEQA, because it is not a "project" subject to CEQA pursuant to Title 14, California Code of Regulations, section 15378 (b)(2) and (4), in that it deals with the continuation of administrative and maintenance activities related to general policy and procedure making and only creates a governmental funding mechanism that does not involve a commitment to specific projects; and

WHEREAS, the California Energy Commission has reviewed the Renewables Committee's proposed revisions to the *Renewables Portfolio Standard Eligibility Guidebook*, including the errata to this guidebook that was presented and discussed at the March 14, 2007, Business Meeting, and finds that the adoption of these guideline revisions with the errata is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these guideline revisions with the errata for the purpose of administering the Renewable Energy Program; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts the revisions to the *Renewables Portfolio Standard Eligibility Guidebook*, and authorizes the Executive Director, or his designee, to administer the Renewable Energy Program as specified in this guidebook.

RESOLVED,

Dated: March 14, 2007

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT
COMMISSION



JACKALYNE PFANNENSTIEL,
Chairman