

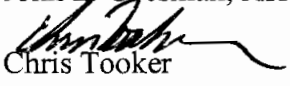
CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



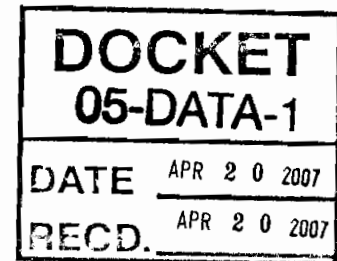
To: IEPR Committee
Jackalyn Pfannenstiel, Presiding Member

John L. Geesman, Associate Member

From: 
Chris Tooker
Manager, Policy and Planning
Energy Facilities Siting Division

Subject: CEQA Finding for Data Collection Rulemaking (05-Data-1)

Date: April 20, 2007



In order to ensure compliance with the requirements of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), I have reviewed the rulemaking file contained in Docket 05-DATA-01. The Commission has undertaken this rulemaking in order to meet three broad objectives: 1) to clarify some of the Commission's rules of practice and procedure, including those governing the timelines and process the Commission will follow in conducting a complaint or investigatory proceeding; 2) to modify the Commission's energy data collection regulations so that the regulations reflect changes to the energy industry that have occurred since the last rulemaking, and that they more carefully distinguish between the different data submission requirements applicable to different groups of market participants; and 3) to modify the Commission's regulations governing the disclosure of Commission records in order to clarify those portions of the confidentiality regulations which filers have found to be confusing, and to update the confidentiality status of several types of energy data. The rulemaking would amend the Commission's existing regulations governing the rules of practice and procedure (Articles 2 and 4 of Chapter 2 of Division 2 of Title 20, beginning with section 1101), data collection (Articles 1 and 2 of Chapter 3 of Division 2 of Title 20, beginning with section 1301), and disclosure of Commission records (Article 2 of Chapter 7 of Division 2 of Title 20, beginning with section 2501).

The California Environmental Quality Act (CEQA) requires all public agencies to certify the completion of an environmental impact report on any project they propose to carry out or approve which may have a significant effect on the environment. (Pub. Resources Code, section 21100). However, CEQA provides an exemption for projects for which it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14, section 15061(b)(3).) Adoption of the proposed amendments is eligible for that exemption. All of the proposed changes are procedural in nature, and will not affect any activity that could have a direct, indirect, or cumulative impact on the environment. All three categories of changes -- modifying and clarifying the rules of practice and procedure, including rules governing the complaint and investigatory process, modifying energy data collection filing requirements, and amending regulations governing the disclosure of Commission records -- only affect the type and timing of filing requirements. Therefore, there is no possibility that the proposal may have a significant effect on the environment.