

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION
RESOLUTION

DOCKET**02-REN-1038**

DATE NOV 16 2011

RECD. NOV 16 2011

WHEREAS, the California Energy Commission has developed the Renewable Energy Program pursuant Public Resources Code section 25740 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 each of the program elements of the Renewable Energy Program; and

WHEREAS, on February 19, 2003, the California Energy Commission adopted guidelines, entitled the *Emerging Renewables Program Guidebook*, to govern the administration of the Emerging Renewables Program element of the Renewable Energy Program pursuant to former Public Utilities Code section 383.5, and has subsequently revised these guidelines pursuant to this authority and Public Resources Code section 25747; and

WHEREAS, the California Energy Commission staff, with guidance and input from lead Commissioner Carla Peterman, have proposed revisions to the guidelines for the Emerging Renewables Program to 1) adjust and clarify the rebate level for small wind systems less than 10 kW in size and 2) remove the funding limits for individual manufacturers and retailer, which are set at no more than 25 percent of the total annual program funds; and

WHEREAS, on November 4, 2011, the California Energy Commission publicly noticed staff's proposed revisions to the guidelines for the Emerging Renewables Programs, and offered stakeholders and interested member of the public an opportunity to comment on staff's proposed revisions; and

WHEREAS, the California Energy Commission's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the proposed guideline revisions 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 the creation of governmental funding mechanisms that do not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment, and also because it may fall within the so-called "common sense" exemption pursuant to Title 14, California Code of Regulations, section 15061(b)(3), which indicates that CEQA only applies to projects that have a "significant effect on the environment" which is defined in Public Resources Code section 21068 and in Title 14, California Code of Regulations, section 15382, as being a substantial, or potentially substantial, adverse change in the environment; and

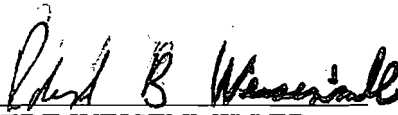
WHEREAS, the California Energy Commission has reviewed staff's proposed guideline revisions, as specified in the November 4, 2011 public notice, and finds that its adoption of these guideline revisions is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these revisions for the purpose of administering the Emerging Renewables Program; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts staff's proposed guideline revisions, and authorizes the Executive Director, or his designee, to administer the Emerging Renewables Program as specified in these guideline revisions.

RESOLVED,

Dated: November 16, 2011

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT
COMMISSION



ROBERT WEISENMILLER,
Chairman