

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

DOCKET
CEC-NSHP-1
DATE _____
RECD. MAR 06 2012

RESOLUTION

WHEREAS, Public Resources Code sections 25744, 25744.5, and 25780 – 25784 authorize the California Energy Commission to develop a program to encourage the installation of solar energy systems on new residential construction, and authorize the California Energy Commission to adopt guidelines and subsequent guideline revisions to govern the administration to this program; and

WHEREAS, the California Energy Commission adopted the *New Solar Homes Partnership Guidebook* in December 2006 to carry out the purposes of sections 25744, 25744.5, and 25780 – 25784, and to govern the administration of the New Solar Homes Partnership program (NSHP) pursuant to this authority; and

WHEREAS, the California Energy Commission staff, with guidance and input from lead Commissioner Carla Peterman, have proposed revisions to the *New Solar Homes Partnership Guidebook* to 1) revise the NSHP incentive levels and incentive decline schedules, 2) revise the noticing requirement for implementing incentive declines, 3) establish system funding caps based on total system cost, 4) revise the funding criteria for increases to systems with approved funding reservations, 5) revise the standard system size for funding reservations issued to Solar as an Option projects, 6) revise and clarify the energy efficiency requirements for the NSHP, 7) require additional reporting for Solar As Standard projects to verify progress, 8) recognize the use of virtual net metering for multifamily projects, and 9) make other clarifying and non-substantive changes; and

WHEREAS, on December 14, 2011, the California Energy Commission publicly noticed staff's proposed revisions to the *New Solar Homes Partnership Guidebook*, as set forth in the Fourth Edition, and offered stakeholders and interested members of the public an opportunity to comment on the proposed guideline revisions; and

WHEREAS, in response to the written comments received by stakeholder and members of the public, staff revised its proposed revisions to the *New Solar Home Partnership Guidebook* to remove proposed revisions that would have 1) required the submission of a program funding application prior to the issuance of a certificate of occupancy for the project, and 2) removed the 180-day window between the issue date of a solar energy system permit and the issue date of a certificate of occupancy, and subsequently provided public notice of its revised proposed revisions to the guidelines on January 10, 2012; 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 revisions to the *New Solar Homes Partnership Guidebook* and opined that the adoption of these revisions 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 government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and also because it falls 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" as 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 considered staff's proposed revisions to the *New Solar Homes Partnership Guidebook*, as set forth in the Fourth Edition and reflected in the public notices of December 14, 2011, and January 10, 2012, and has also considered the minor non-substantive revisions presented by staff at the January 12, 2012 Business Meeting, 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 NSHP; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts staff's proposed guideline revisions, as set forth in the *New Solar Homes Partnership Guidebook, Fourth Edition*, and authorizes the Executive Director, or his designee, to administer the NSHP as specified in the revised guidelines.

CERTIFICATION

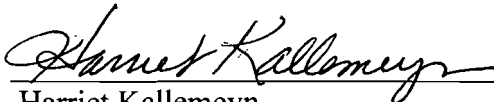
The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on January 12, 2012

AYE: Weisenmiller, Douglas, Peterman

NAY:

ABSENT:

ABSTAIN:


Harriet Kallemeyn,
Secretariat