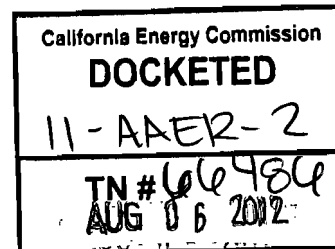


Memorandum

To: Dockets

Date : August 6, 2012

From : **Kristen Driskell**
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Subject: 11-AAER-2: Corrected Adoption Order – Battery Charger Systems

Due to an administrative error, the Order Adopting Regulations and Directing Additional Rulemaking Activities in this proceeding incorrectly stated that the adopted efficiency standards for small battery charger systems that are consumer products and for self-contained lighting controls applied to products manufactured on or after January 1, 2013. The correct date is February 1, 2013, as stated in the 15-day language, the hearing transcripts for the business meeting at which the regulations were adopted, and the express terms of the adopted regulations.

The Chief Counsel's Office requests that the error be corrected by replacing the original Order in this matter (Docket # 63386) with the attached corrected Order Adopting Regulations and Directing Additional Rulemaking Activities, which has been certified by the Secretariat as a full, true, and correct copy of the Resolution adopted at the January 12, 2012 business meeting.

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Appliance Efficiency Regulations)	Docket No. 11-AAER-2
)	
)	Order Number 12-0112-12
)	

**ORDER ADOPTING REGULATIONS
AND DIRECTING ADDITIONAL RULEMAKING ACTIVITIES**

I. INTRODUCTION

The California Energy Commission hereby 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, 25218(e), 25402(c)(1), and 25402.5 of the Public Resources Code.

On October 11, 2010 and March 3, 2011, pursuant to Government Code section 11346.45, Energy Commission staff held public workshops to discuss possible amendments to the Commission's Appliance Efficiency Regulations, pertaining to battery charger systems and self-contained lighting controls. Presentations were made during each workshop, and comments were made by the public both at the workshops and during subsequent written comment periods.

On May 19, 2011, also pursuant to Government Code section 11346.45, the Energy Commission's Efficiency Committee held a public workshop to discuss a draft of proposed amendments to the Appliance Efficiency Regulations for battery charger systems and self-contained lighting controls. The amendments included definitions, efficiency standards, and marking and certification requirements. Presentations were made at the workshop, and comments were made by the public both at the workshop and during a subsequent written comment period.

On October 7, 2011, the Energy Commission published a Notice of Proposed Action (NOPA) and made available to the public the Express Terms of the proposed amendments, along with an Initial Statement of Reasons (ISOR) that summarized and explained the rationale for the proposed amendments. The Commission also prepared the legally-required fiscal and economic analysis of the proposed regulations.

The proposed amendments would set new regulations for battery charger systems, including efficiency standards for small and large battery charger systems in active charge mode, maintenance charge mode, and no battery mode. Efficiency standards for large battery charger systems would include an additional requirement of a minimum standard for power factor. The proposed efficiency standards would apply to small battery charger systems that are consumer

products manufactured on or after February 1, 2013, small battery charger systems that are not consumer products manufactured on or after January 1, 2017, and all large battery charger systems manufactured on or after January 1, 2014. The proposed amendments would also make modifications to the existing test procedure for battery charger systems (which would apply to battery charger systems that are not consumer products), and require marking of battery charger systems and certification of compliant models to the Energy Commission. The proposed amendments would also set requirements for various types of self-contained lighting controls that may be sold or offered for sale in California; the requirements would apply to models manufactured on or after February 1, 2013.

The NOPA was provided to every person on the Energy Commission's appliance mailing lists, the Commission's Appliance Listserve, 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. The NOPA included a hearing date of November 30, 2011 for Commission consideration and possible adoption of the proposed amendments, and a 45-day comment period through November 21, 2011.

On October 24, 2011, the Energy Commission held a public hearing, pursuant to Government Code section 11346.8(a), to accept both oral and written comments on the proposed amendments.

The Energy Commission received comments on the proposed amendments throughout the mandatory 45-day comment period. Based on those comments, on November 23, 2011 and pursuant to Government Code section 11346.8(b), the Commission issued a Notice of Postponement of Hearing for Consideration and Possible Adoption, noting that the proposed amendments would not be considered for adoption on November 30, 2011 and that the future date for such a hearing would be noticed in compliance with applicable law. The Notice of Postponement was distributed and published by the Commission in the same manner as the NOPA.

On December 14, 2011 and pursuant to Government Code section 11346.8(c), the Energy Commission published a Notice of Commission Adoption Hearing, Availability of 15-Day Language and Opportunity for Comment. The Notice set a hearing date of January 11, 2012 for consideration and possible adoption of the proposed amendments, and noted that the comment period would run through December 29, 2011. The full text of the proposed amendments with the changes clearly indicated (15-Day Language) was also published. The Notice of Commission Adoption Hearing, etc., and the 15-Day Language were distributed and published by the Commission in the same manner as the NOPA.

The changes made in the 15-Day Language included clarifications to definitions and other requirements for self-contained lighting controls, set a January 1, 2014 effective date for USB charger systems with a battery capacity of 20 watt-hours or more, modifications to effective dates in order to comply with Section 25402(c)(1) of the Public Resources Code, and added flexibility to the marking/labeling requirements for battery charger systems.

On December 19, 2011, the Energy Commission published a Notice of Extension of Comment Period for 15-Day Language, which extended the comment period through January 3, 2012. The Notice of Extension was distributed and published by the Commission in the same manner as the NOPA.

On December 27, 2011, the Energy Commission published a Notice of Date Change, noting that the hearing for Commission consideration and adoption of the proposed amendments had been moved to January 12, 2012. The Notice was distributed and published by the Commission in the same manner as the NOPA.

None of the comments received in the 45- and 15-day comment periods, and nothing else in the record, justified any further changes to the proposed amendments as published in the 15-Day Language on December 14, 2011.

II. FINDINGS

Based on the entire record for Docket No. 11-AAER-2, the Energy Commission finds as follows:

A. The Warren-Alquist Act. The adopted regulations:

- (1) prescribe minimum efficiency standards and other requirements for battery charger systems;
- (2) contain requirements for self-contained lighting controls;
- (3) will reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that require a significant amount of energy on a statewide basis;
- (4) set standards that are based on feasible and attainable efficiencies; and
- (5) 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 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 or mandates, 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 Division 4 of the Government Code;
- (6) will result in no costs or savings in federal funding to the State of California;
- (7) will have no significant impact on 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 private person or business would necessarily incur in reasonable compliance with the regulations; 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 those purposes.

III. ADOPTION OF NEGATIVE DECLARATION FOR DOCKET 11-AAER-2

The Energy Commission finds, on the basis of the whole record before it, including but not limited to the Initial Study (October 2011 CEC-400-2011-009) prepared for Docket 11-AAER-2, and all public comments, that (1) there is no substantial evidence that the adoption of the December 14, 2011, proposed amendments to the Appliance Efficiency Regulations will have a significant effect on the environment, and (2) that the Negative Declaration reflects the Commission's independent judgment and analysis. The Commission hereby adopts the Negative Declaration and Initial Study (October 2011 CEC-400-2011-009).

IV. ADOPTION OF PROPOSED AMENDMENTS FOR DOCKET 11-AAER-2

The Energy Commission, after considering the entire record, including but not limited to the adopted Initial Study and Negative Declaration, and all relevant public comments, hereby adopts the proposed amendments to the Appliance Efficiency Regulations as published on December 14, 2011.

V. DELEGATION OF AUTHORITY AND DIRECTIVES TO STAFF

The Energy Commission delegates the authority and directs Commission staff to take, on behalf of the Commission, all actions reasonably necessary to have the adopted amendments to

the Appliance Efficiency Regulations go into effect, including but not limited to making any appropriate non-substantive, editorial-type changes and preparing and filing all appropriate documents, such as the Final Statement of Reasons with the Office of Administrative Law and the Notice of Determination with the State Clearinghouse.

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: None

ABSENT: None

ABSTAIN: None


HARRIET KALLEMEYN,
Secretariat