

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

California Energy Commission

**DOCKETED**  
**02-REN-1038**

TN # 67333

SEP 27 2012

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 February 19, 2003, the California Energy Commission adopted guidelines, entitled the *Overall Program Guidebook for the Renewable Energy Program*, to govern the general administration of its Renewable Energy Program and address information and requirements applicable to all program elements of the Renewable Energy Program pursuant to Public Resources Code section 25740 et seq. and Public Utilities Code section 399.11 et seq., and has subsequently revised these guidelines from time to time pursuant to this authority; and

**WHEREAS**, the California Energy Commission staff, with guidance and input from lead Commissioner Carla Peterman, have proposed minor revisions to the *Overall Program Guidebook for the Renewable Energy Program*, as set forth in the "*Fifth Edition*," to clarify changes to the guidebook previously adopted by the Energy Commission on May 9, 2012; and

**WHEREAS**, on July 30, 2012, the California Energy Commission publicly noticed staff's proposed revisions to the *Overall Program Guidebook for the Renewable Energy Program* and offered stakeholders and interested members of the public an opportunity to comment on the proposed guideline 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 minor revisions to the *Overall Program Guidebook for the Renewable Energy Program* and opined that the adoption of these minor guideline 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 relates 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 falls within the so-called "common sense" exemption pursuant to Title 14, California Code of Regulations,

section 15061(b)(3), which provides 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 revisions to the *Overall Program Guidebook for the Renewable Energy Program*, and finds that the adoption of these guideline revisions is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these guideline revisions for the purpose of implementing the Renewable Energy Program and RPS; and

**THEREFORE BE IT RESOLVED**, the California Energy Commission hereby adopts staff’s proposed guideline revisions as set forth in the *Overall Program Guidebook for the Renewable Energy Program, Fifth Edition*, and authorizes the Executive Director, or his designee, to implement the Renewable Energy Program and RPS as specified in this guidebook.

#### CERTIFICATION


The undersigned Secretariat to the California Energy 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 August 9, 2012.

AYE: Weisenmiller, Peterman, McAllister

NAY: None

ABSENT: Douglas

ABSTAIN: None



Harriet Kallemeyn,  
Secretariat