

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

Main website: www.energy.ca.gov



In the matter of: Amendments to	)	Docket No. 12-OIR-02
Regulations Implementing the Geothermal	)	OAL Notice File Number
Grant and Loan Program, California Code of	)	Z-2013-0813-01
Regulations, Title 20, Sections 1660-1665	)	
and Appendix A	)	

<p>California Energy Commission</p> <p><b>DOCKETED</b></p> <p><b>12-OIR-02</b></p> <hr/> <p>TN 72392</p> <p>NOV 03 2013</p>
---

**Request for Earlier Effective Date**

The Energy Commission requests an earlier effective date for the proposed amendments to regulations implementing, interpreting, and making specific Public Resources Code, section 3800 et seq. (state allocation of geothermal revenues) and section 25216, subdivision (c) (Energy Commission to carry out research and development into alternative sources of energy).

Government Code section 11343.4 allows the Office of Administrative Law (OAL) to prescribe an earlier effective date when an agency demonstrates good cause for requesting it. On December 28, 2012, the OAL published notice of a proposed definition of "good cause," to be contained in section 30, title 1 of the California Code of Regulations. The definition would require OAL to consider at least four factors, described in subdivisions (a) through (d), to determine whether an agency's request demonstrates good cause. Relying on the proposed definition as available on October 18, 2013, and taking each factor in turn:

Subdivision a) considers whether affected businesses, including small businesses, will become aware of the regulations before they become law, and whether businesses will have adequate time to comply with the requirements. The Energy Commission made substantial effort to notify all stakeholders of the rulemaking. The Energy Commission mailed hard copies of the rulemaking Notice of Proposed Action (NOPA) to 348 interested parties, including the California members of the Geothermal Resources Council, which is the main geothermal trade association in California and includes representative small businesses; the California Geothermal Energy Collaborative; the Geothermal Education Office; the United States Department of Energy; county counsel and land use offices for California counties with geothermal development; and individuals who previously requested hard copy notices of the regulatory action. Electronic notice of publication of the NOPA was sent out to all those subscribing to the Energy Commission's Geothermal listserv, and notice of the proposed regulations and rulemaking documents were posted on the Energy Commission's Geothermal Grant and Loan Program Rulemaking webpage. Thus, interested businesses, including small businesses, are aware of the regulations.

Regarding adequate time to prepare for compliance, the proposed new process does not impose significant new requirements upon businesses that would require additional time for compliance. The next Energy Commission Geothermal Grant and Loan Program solicitation is planned for April-May 2014 and any new requirements on businesses will be outlined in the application manual for the solicitation that businesses will use as a guide to applying for funding.

Subdivision b) weighs the benefit to the people of the State of California from the earlier effective date against any negative effect on affected businesses. As explained above, the effective date does not create a negative effect on business. Businesses would benefit from the earlier date because it would allow the Energy Commission to prepare for and hold the next funding solicitation sooner, using the new streamlined application process, thereby saving businesses time and money during the solicitation process as well as potentially shortening the time to receipt of funding for awarded projects. The people of the State of California further benefit from an earlier effective date because the Energy Commission would be able to implement the streamlined evaluation process in its next program solicitation, saving the State of California time and money.

Subdivision c) considers whether affected individuals will become aware of the regulations before they become law, and whether those individuals will have time to comply with the requirements. The regulations do not affect individuals except as they would seek to apply for funding from the Energy Commission, and in that guise, the same answer as to subdivision a) applies. Interested individuals have received ample notice of the regulations and will have time to comply because the proposed new process does not impose significant requirements upon individuals that would require additional time for compliance. Any new requirements on individuals will be outlined in the application manual for the solicitation that individuals will use as a guide to applying for funding.

Subdivision d) weighs the benefit to the people of the State of California from the earlier effective date against any negative effect on affected individuals. As with businesses, the earlier effective date does not create a negative effect on individuals. Individuals would benefit from the earlier date because they would be able to use the new streamlined application process for the next program solicitation, saving individuals time and money. The people of the State of California further benefit from an earlier effective date because the Energy Commission would be able to implement the streamlined evaluation process in its next program solicitation, saving the State of California time and money.

In conclusion, the Energy Commission has demonstrated good cause for an earlier effective date, and requests that the OAL prescribe an earlier date upon finishing its review.