

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Appliance Efficiency Regulations for)	Docket No. 15-AAER-6
Small-Diameter Directional Lamps and)	
General Service Light-Emitting Diode)	Order Number 16-0113-07
Lamps)	

RESOLUTION ADOPTING AN INITIAL STUDY, NEGATIVE DECLARATION, AND AMENDMENTS TO THE APPLIANCE EFFICIENCY REGULATIONS

I. INTRODUCTION AND BACKGROUND

The California Energy Commission hereby adopts the Initial Study and Negative Declaration (Pub. Resources Code, § 21000 et seq) and associated amendments to its Appliance Efficiency Regulations (California Code of Regulations, title 20, Sections 1601 - 1609) covering Small-Diameter Directional Lamps and General Service Light-Emitting Diode Lamps. We take this action under the authority of, and to implement, interpret, and make specific, Sections 25213, 25218(e), 25402, 25402(c)(1), and 25402.5.4 of the Public Resources Code.

On October 16, 2015, 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 Energy Commission also published a Negative Declaration for the proposed regulations. Additionally, the Energy Commission prepared the legally required fiscal and economic analysis of the proposed regulations. Collectively, these materials are the rulemaking documents.

On November 23, 2015, the Energy Commission published a Notice extending the public comment period on the proposed amendments and changing the adoption hearing date to January 13, 2016.

On December 28, 2015, the Energy Commission published a Notice of Adoption Hearing with 15-Day Language, and Supplemental Initial Statement of Reasons. The comment period on the 15-Day Language closed on January 12, 2016.

The rulemaking documents were provided to every person on the Energy Commission's Appliance Listserve, to a representative number of small business enterprises or representatives, and to every person who had requested notice of such matters. The rulemaking documents were also posted on the Commission's website as were all later iterations, including the 15-day language. The cumulative comment period on the rulemaking documents and 15-day language went from October 16, 2015 through January 12, 2016.

None of the comments received in the 15-day comment period, and nothing else in the record, justify any changes to the proposed amendments as published on December 28, 2015.

II. FINDINGS

The record indicates that the proposed standards will provide estimated cumulative electricity savings of 32,792 gigawatt-hours (GWh) over the first 13 years of implementation and cumulative monetary savings of approximately \$4.02 billion to California consumers over that period. In addition, the proposed standards yield an estimated \$5.65 billion increase in real disposable personal income between 2017 through 2029, which is beneficial for the California economy.

Based on the entire record for Docket No. 15-AAER-6, the Energy Commission finds as follows:

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

- (1) will reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that require a significant amount of energy on a statewide basis;
- (2) are based on feasible and attainable efficiencies; and
- (3) 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) are not inconsistent or incompatible with existing state regulations;
- (2) are not inconsistent or incompatible with existing federal law;
- (3) 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;
- (4) will result in no costs or savings in federal funding to the State of California;
- (5) may result in minimal incremental initial costs with a payback period of under two years to state agencies;
- (6) will result in no nondiscretionary costs or savings to local agencies or school districts;
- (7) will have no impact on housing costs;
- (8) will have no significant, statewide adverse effect on businesses in general or small businesses in particular;

- (9) will result in cost savings greater than impacts that a representative private person or business would necessarily incur in reasonable compliance with the regulations;
- (10) will result in non-economic benefits, on a statewide level, such as reduction in pollution, green-house gas emissions, and energy generation demand; and
- (11) have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes.

In addition to the economic analysis required by Section 11346.3 of the Administrative Procedure Act, summarized above, subdivision (c) of this statute mandates that agencies that require the preparation of reports by businesses find that such reports are necessary to protect the health, safety or welfare of the people of California.

These regulations require completion of certain reports regarding the efficiency and performance of the regulated appliances. The reports collect the information necessary for consumers and the Energy Commission to confirm that the standards are met and that the appliances consume no more energy than allowed, so that the anticipated energy, environmental and cost benefits will actually be achieved. Accordingly, we find and conclude that it is necessary that these reporting requirements apply to businesses, in order to protect the health, safety and welfare of the people of California, as required by Government Code section 11346.3, subdivision (d).

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA), (Public Resources Code, § 21000 et seq.; see also CEQA Guidelines, Cal. Code Regs., tit. 14, § 15000 et seq.) requires that state agencies consider the environmental impact of their discretionary decisions.

Staff's Initial Study found the amendments to the appliance efficiency standards would result in energy savings and reductions in state wide greenhouse gas emissions. There would be no significant environmental impacts as a result of the amendments.

After considering the Initial Study, and all related materials in the record, the Energy Commission finds that (1) there is no substantial evidence that the adoption of the 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.

IV. ADOPTION OF PROPOSED AMENDMENTS FOR DOCKET 15-AAER-6

The Energy Commission, after considering the entire record, including but not limited to the Initial Study and Negative Declaration under the California Environmental Quality Act, and all relevant public comments, hereby adopts the Initial Study and Negative Declaration and adopts the proposed amendments to the Appliance Efficiency Regulations.

V. DELEGATION OF AUTHORITY AND DIRECTIVES TO THE EXECUTIVE DIRECTOR

The Energy Commission directs the Executive Director, or authorized designee, 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-substantial changes, changes for consistency within the regulations, 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 California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of an approved RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on January 13, 2016:

AYE: [*List Commissioners*]

NAY: [*List Commissioners*]

ABSENT: [*List Commissioners*]

ABSTAIN: [*List Commissioners*]

Tiffani Winter,
Secretariat