STATE OF CALIFORNIA — THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov

DOCKET
05-AAER-2
DATE
RECD. APR 11 2006

Rulemaking on Appliance Efficiency Regulations	)	Docket No. 05-AAER-2
	)	
	)	NOTICE OF PROPOSED ACTION
	)	RE: Proposed Amendments to
	)	Appliance Efficiency Regulations

California Code of Regulations, Title 20, Sections 1601 - 1608

Notice of Proposed Action

INTRODUCTION

The California Energy Commission ("Energy Commission") proposes to amend its appliance efficiency regulations.

PUBLIC HEARINGS

The Energy Commission will hold two public hearings on the proposed amendments. First, the Energy Commission's Efficiency Committee (Vice Chair Jackalyne Pfannenstiel, Presiding Member) will hold a hearing:

TUESDAY, FEBRUARY 14, 2006
10 a.m.
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
First Floor, Hearing Room A
Sacramento, California
(Wheelchair Accessible)

Second, the full Energy Commission will consider adopting the proposed amendments at a hearing:

WEDNESDAY, MARCH 1, 2006
10 a.m.
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
First Floor, Hearing Room A
Sacramento, California
(Wheelchair accessible)

Audio for the February 14 Committee Hearing and the March 1 adoption hearing will be broadcast over the internet. For details, please go to www.energy.ca.gov/webcast/. If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916)654-5146 at least 5 days in advance.

At the hearings any person may present written or oral comments on the proposed amendments.

WRITTEN COMMENTS

Any interested person may submit written comments on the proposed amendments. Regarding the hearing, the Commission appreciates receiving written comments at the earliest possible date: for the February 14 hearing, please provide written comments by February 7, 2006; for the March 1 hearing, please provide written comments by February 22, 2006. However, written comments will still be accepted at the hearing itself. In addition, written comments will be considered if they are received by 10:00 a.m. on March 1, 2006 at the Commission's Docket Unit. Written comments shall be emailed to Docket@energy.state.ca.us or mailed or delivered to the following address (emailing is preferred):

California Energy Commission
Docket No. 05-AAER-2
Docket Unit
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5504

All written comments must indicate "Docket No. 05-AAER-2." When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization's letterhead and include a signature of an authorized representative.

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the amendments under the authority of Public Resources Code Sections 25213, 25218(e), and 25402(a)-(c). The proposed amendments implement, interpret, and make specific Public Resources Code Sections 25402(a)-(c).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law [Public Resources Code Section, 25402(c)] requires the Energy Commission to adopt regulations that prescribe minimum efficiency levels for appliances. The Energy Commission first adopted appliance regulations in 1976 and has periodically revised them since then. The current regulations include provisions for the testing of appliances to determine their efficiency, reporting of data by manufacturers to the Energy Commission, standards establishing mandatory efficiency

levels, and compliance and enforcement procedures, as well as general provisions on the scope of the regulations and definitions.

In the rulemaking proceeding that is the subject of this Notice of Proposed Action ("NOPA"), the Energy Commission is proposing to amend the current efficiency standards for general service and reflector incandescent lamps and for metal halide luminaires. In addition, updates are proposed on reporting provisions for enhanced spectrum general service incandescent lamps.

LIST OF DOCUMENTS INCORPORATED BY REFERENCE

Commission International de l'Eclairge (C.I.E) 1931 chromaticity diagram in Illuminating Engineering Society of North America LM16-1993, Practical Guide to Colorimetry of Light Sources, Figure 2.

FEDERAL LAW

The proposed amendments do not conflict with federal law.

The proposed amendments are not mandated by federal law.

There are extensive federal regulations on appliance efficiency. (See 42 U.S.C. Section 6291 et seq.; 10 CFR Parts 430, 441.) The proposed amendments deal with appliances that are not covered by the federal regulations.

STATUTORY REQUIREMENTS

California law requires that the Energy Commission's appliance efficiency standards (1) apply to appliances that use a significant amount of energy on a statewide basis, (2) be based on feasible and attainable efficiencies or feasible improved efficiencies, and (3) be cost-effective based on a reasonable use pattern (i.e., not result in added total costs to the consumer, considering both any increased costs of the efficiency improvement and the reduced utility bill costs resulting from the improved efficiency, over the design life of the appliance). [Public Resources Code Section 25402(c)(1).] An Energy Commission Staff Report, *2005 Update of Appliance Efficiency Regulations,* demonstrates that the proposed amendments are consistent with these requirements.

LOCAL MANDATE

The proposed amendments will not impose a mandate on state or local agencies or districts.

ECONOMIC AND FISCAL IMPACTS

The Energy Commission has made the following initial determinations.

Fiscal Impact

Costs Requiring Reimbursement. The proposed amendments will not impose on local agencies or school districts any costs for which Government Code sections 17500 - 17630 require reimbursement.

Other Non-Discretionary Costs or Savings for Local Agencies. Local agencies that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always recovered by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs.

Costs or Savings for State Agencies. State agencies that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always recovered- by reductions in natural gas and electricity bills. In this rulemaking, however, none of the proposed amendments will result in increased purchase costs.

Cost or Savings in Federal Funding to the State. The proposed amendments will not result in any costs or savings in federal funding to the state.

Effect on Housing Costs

There will be no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

The Energy Commission has made an initial determination that there will be no significant (or insignificant) statewide adverse economic, fiscal, or environmental impact directly affecting businesses, including small businesses, as a result of the proposed amendments, including the ability of California businesses to compete with businesses in other states.

Nevertheless, the Energy Commission invites interested persons to submit alternative proposals to lessen any adverse economic impact on business that might exist, which may include the following considerations:

(i) The establishment of differing compliance or reporting requirements, or timetables that take into account the resources available to businesses.

(ii) Consolidation or simplification of compliance and reporting requirements for businesses.

(iii) The use of performance standards rather than prescriptive standards.

(iv) Exemption or partial exemption from the regulatory requirements for businesses.

Impacts on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California

The proposed amendments will have no impact on the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California.

Cost Impacts on Representative Person or Business

Businesses and individuals that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always more than made up by reductions in natural gas and electricity bills. Therefore, the Commission is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action, except the costs of Business Reports discussed in the next paragraph.

Business Reports

The proposed amendments would require manufacturers of appliances to submit data about the appliances that they manufacture. In California, there are few manufacturers of the appliances that would be affected by the proposed amendments. The Energy Commission estimates that the annual reporting cost would be $360 per manufacturer. It is necessary for the health, safety, or welfare of the people of the state that the proposed amendments apply to business, for two basic reasons. First, the Legislature has required the Energy Commission to adopt efficiency standards, and the submittal of data is necessary to determine compliance with the standards. Second, the data required to be submitted will be used to increase consumer awareness, for utility efficiency programs, and for research, all of which will foster additional efficiency, which in turn will lead to economic, energy reliability, and environmental benefits.

Small Business

Like all businesses, small businesses benefit from appliance regulations. Small businesses that purchase appliances subject to efficiency standards sometimes have to pay increased purchase costs for those appliances. However, those costs are always more than made up by reductions in natural gas and electricity bills. Therefore, there will be no adverse effects on small business.

ALTERNATIVES

Before it adopts the proposed amendments, the Energy Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments. To date, the Energy Commission has found no alternatives to the proposed action that would be more effective, or as effective and less burdensome.

DESIGNATED CONTACT PERSONS

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including the Express Terms, the Initial Statement of Reasons, the Form 399, the Staff Report, and any other document in the rulemaking file:

Linda Franklin
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4064 Fax: 916-654-4304
E-mail: LFrankli@energy.state.ca.us

Please contact the following person, preferably by e-mail, for substantive questions:

Gary Flamm
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-2817
Fax: 916-654-4304
E-mail: Gflamm@energy.state.ca.us

The backup contact person for substantive questions is:

Jim Holland
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
E-mail: JHolland@energy.state.ca.us

Mr. Flamm and Mr. Holland also can assist in obtaining documents and in answering general questions.

PUBLIC ADVISER

The Energy Commission's Public Advisor, Margret J. Kim, provides public assistance in participating in Energy Commission activities. If you would like information on how to participate in this proceeding, please contact the Public Advisor's Office by phone at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by email at pao@energy.state.ca.us.

News media inquiries should be directed to Claudia Chandler, Assistant Executive Director, at (916) 654-4989.

AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS, AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance website, www.energy.ca.gov/appliances. The website will have all of the documents prepared by the Energy Commission, including the Express Terms of the proposed amendments (written in plain English and set forth in a format that indicates both the existing text and the proposed text), the Initial Statement of Reasons, and all documents relied upon by the Commission, as well as most of the other documents in the rulemaking file.

The Express Terms and the Initial Statement of Reasons are also available at no cost from the contact person, Linda Franklin (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, California 95814-5504
916-654-5076

AVAILABILITY OF MODIFIED AMENDMENTS (15-DAY LANGUAGE)

At the February 14, 2006 hearing, the Energy Commission may adopt the proposed amendments substantially as described in this notice. If modifications are made, and they are sufficiently related to the originally-proposed amendments, the full modified text with changes clearly indicated will be made available to the public at least 15 days before the Energy Commission adopts the amendments. A notice of the availability of any such text will be placed on the Energy Commission's website and will be mailed to all persons to whom this notice is being mailed, who submitted written or oral comments at any hearing, who submitted written comments during the public comment period, or who requested to receive such modifications. In addition, copies may be requested from the contact person named above and from the Docket Office. The Energy Commission

will accept written comments on any such modified text for at least 15 days after the text is made available to the public. Adoption of the 15-Day language will be considered at a public hearing scheduled in the notice of availability.

FINAL STATEMENT OF REASONS

The Energy Commission will prepare a Final Statement of Reasons on the amendments, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above and from the Docket Office, and will be posted on the Energy Commission's website.

INTERNET ACCESS

Documents prepared by the Energy Commission for this rulemaking, including this NOPA, the Express Terms, and the ISOR, and most other documents in the rulemaking file, will be posted on the Energy Commission's website, http://www.energy.ca.gov/appliances.

Mailed to Lists: 423, 425, 449, 452, 469 and 476

Note: California Energy Commission's formal name is State Energy Resources Conservation and Development Commission.