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STATE OF CALIFORNIA

ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 08-AAER-1A
	)	Docket No. 08-AAER-1B
2008 Rulemaking on	)	
Appliance Efficiency Regulations	)	Order No. 08-1203-11
	)	

08-AAER-1B
DOCKET
08-AAER-1B
DATE DEC 03 2008
RECD. DEC 08 2008

I. INTRODUCTION

The California Energy Commission ("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, 25216.5(d), 25218(e), 25402(c), and 25402.5.4 of the Public Resources Code.

On August 29, 2008, the Office of Administrative Law published two separate Notice of Proposed Actions (NOPA) concerning the potential adoption of proposed amendments to the Appliance Efficiency Regulations (45-Day Language). The NOPA's and 45-Day Language were posted on the Energy Commission website on August 29, 2008 for Docket No. 08-AAER-1A and Docket No. 08-AAER-1B. The NOPA designated September 17, 2008, for a hearing with the Energy Commission's Efficiency Committee to accept public comments on the NOPA The NOPA designated October 22, 2008, for a hearing before the full Commission to consider adoption of the proposed amendments.

In response to public comments received on the 45-Day Language, on October 22, 2008, we decided not to adopt the proposed amendments, but rather to issue a revised proposal ("15-Day Language") for both rulemakings. We published 15-Day Language for these rulemakings on November 14, 2008, and simultaneously noticed an adoption hearing for December 3, 2008.

Today, we adopt the November 14, 2008, 15-Day Language for both rulemakings under Docket Nos. 08-AAER-1A and 08-AAER-1B.

The purpose of these rulemakings, as discussed in the Notice of Proposed Action, is to carry out the mandates established in Assembly Bill 1109 (Huffman, Chapter 534, Statutes of 2007) (AB 1109), to set new efficiency standards for general purpose lighting by December 31, 2008. (Pub. Resources Code §

25402.5.4) AB 1109 requires the Energy Commission to adopt minimum energy efficiency standards for general purpose lighting that, in combination with other programs and activities, reduce average statewide electrical energy consumption by not less than 50 percent from 2007 levels for indoor residential lighting and not less than 25 percent from the 2007 levels for indoor commercial and outdoor lighting by 2018.

The rulemakings under Docket Nos. 08-AAER-1A and 08-AAER-1B contain amendments to meet the mandates of AB 1109. Docket 08-AAER-1A amendments provide revised, higher efficiency standards for State-Regulated General Service Incandescent Lamps, new standards for State-Regulated Modified Spectrum General Service Incandescent Lamps and General Service Lamps, and new standards for Portable Luminaries. Docket 08-AAER-1B amendments provide revised, higher efficiency standards for Metal Halide Luminaries.

In addition, Docket 08-AAER-1B amendments provide for a comprehensive voluntary test procedure for battery charger systems, clarification of the current regulations for residential pool pumps (includinga requirement that replacement motors for existing residential pool pump equipment must be two-speed or multispeed motors), clarification of the current test method for portable electric spas and necessary updates and revisions to the overall Appliance Efficiency Regulations for consistency with current federal appliance efficiency laws.

II. FINDINGS

Based on the entire rulemaking records for Docket Nos. 08-AAER-1A and 08-AAER-1B of this proceeding, we find as follows:

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

(1) prescribe minimum efficiency levels for building and outdoor lighting;

(2) require efficiencies that are necessary to save energy; and

(3) are cost-effective when taken in their entirety and when amortized over the economic live of the structure compare with historic practice.

B. The Administrative Procedure Act. The adopted regulations:

(1) will impose no direct cost or direct or indirect requirements on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part & (commencing with section 17500) of the Government Code;

(2) will result in no cost or savings in federal funding to the state;

(3) will have no significant impact on housing costs;

(4) will not result in a significant statewide adverse impact directly affecting business, including the ability of California business to compete with businesses in other states;

(5) will not create or eliminate a significant number of jobs in California;

(6) will not create new business, eliminate existing businesses, or have an effect on the expansion of businesses in California;

(7) will not impose cost on private persons;

(8) will have no significant adverse effect on business in general or small business in particular;

(9) will have no significant costs that a representative person or business would incur in compliance; and

(10) have no alternatives that would be more effective in carrying out the purpose of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes.

III. CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR DOCKET 08-AAER-1A

The Energy Commission, having considered the Draft Environmental Impact Report (CEC-400-2008-019-D, August 2008) prepared for Docked 08-AAER-1A, and public comment, hereby certifies that the final Environmental Impact Report (CEC-400-2008-019-F):

(1) Has been completed in compliance with CEQA;
(2) That the Energy Commission reviewed and considered the information contained in the final EIR prior to approving the project; and
(3) That the final EIR reflects the Energy Commission's independent judgment and analysis.

The Energy Commission, having considered the Findings of Significance found in the certified Environmental Impact Report (CEC-400-2008-019-F),

hereby adopts the Findings of Fact and Statement of Overriding Considerations prepared for the certified Environmental Impact Report.

IV. ADOPTION OF NEGATIVE DECLARATION FOR DOCKET 08-AAER-1b

The Energy Commission finds, on the basis of the whole record before it (including the Initial Study (October 2008, CEC-400-2008-026) prepared for Docket 08-AAER-1B, and public comment), that there is no substantial evidence that the adoption of regulations under Docket 08-AAER-1B will have a significant effect on the environment and that the Negative Declaration reflects the Energy Commission's independent judgment and analysis. The Energy Commission hereby adopts the Negative Declaration and Initial Study (CEC-400-2008-026-CMD).

V. ADOPTION OF PROPOSED AMENDMENTS FOR DOCKET 08-AAER-1A

The Energy Commission, after considering the final EIR and in conjunction with making findings under CEQA Guidelines Section 15091 and the Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093, hereby adopts the 15-Day Language for Docket 08-AAER-1A. The final Environmental Impact Report (CEC-400-2008-019-F) and the Findings of Fact and Statement of Overriding Considerations prepared for Docked 08-AAER-1A are hereby incorporated by reference into this Order and into Docket 08-AAER-1A for this rulemaking.

VI. ADOPTION OF PROPOSED AMENDMENTS FOR DOCKET 08-AAER-1B

The Energy Commission after considering the adopted Negative Declaration (CEC-400-2008-026-CMD) for Docket 08-AAER-1B, hereby adopts the 15-Day Language for Docket 08-AAER-1B. The Negative Declaration, including the Initial Study (CEC-400-2008-026-CMD) and public comment , are hereby incorporated by reference into this Order and into Docket 08-AAER-1B for this rulemaking.

VII. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFIEICNCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Energy Commission continues in effect its delegation to the Efficiency Committee of the authority to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulations go into effect, including

but not limited to incorporating any changes approved at the December 3, 2008, hearing into the final Express Terms submitted to the Office of Administrative Law (OAL); making any appropriate nonsubstantive, editorial-type changes; preparing and filing all appropriate documents, such as the Final Statement of Reasons to the OAL; and preparing and filing all appropriate documents, such as the Notice of Determination to the State Clearinghouse.

Dated: December 3, 2008

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

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