STATE OF CALIFORNIA

ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Appliance Efficiency Regulations: Lighting)	Docket No. 05-AAER-2
)	Order Number 06-0705-4

ORDER ADOPTING REGULATIONS, DIRECTING ADDITIONAL RULEMAKING ACTIVITIES, AND DIRECTING SUBMITTAL OF DATA

I. INTRODUCTION

The California Energy Commission ("Commission") 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), and 25402(c) of the Public Resources Code.

On April 26, 2006, the Commission adopted 15-Day Language, as modified by the non-substantive Errata distributed at the April 26 hearing on this matter. (See Adoption Order Number 06-0426-11, which is hereby incorporated by reference into this Adoption Order.) The amendments provided revised, higher efficiency standards for State-Regulated General Service and Enhanced Spectrum Incandescent lamps, Incandescent Reflector Lamps and Metal Halide Luminaires; additional data submittal requirements; and minor corrections and clarifications to the regulations, particularly definitions of various Lighting, Refrigerator, Refrigerator-Freezer, Freezer, Cooking Product, and Food Service Equipment appliances.

The April 26, 2006 Adoption Order stated that "*this rulemaking proceeding shall remain in effect for consideration of . . . other issues the [Efficiency] Committee finds appropriate.*" One of those issues was the 6-hour test requirement for metal halide luminaire ballasts in section 1604(n)(2)(E).

Subsequent to the adoption on April 26, 2006, additional information was presented to the Efficiency Committee concerning the metal halide luminaire ballast testing described in section 1604(n)(2)(E). As a result of this additional information, the Efficiency Committee noticed, on June 19, 2006, additional 15 Day-Language, an additional document relied upon, and a subsequent Adoption Hearing to address this additional information.

The June 19, 2006 15-Day Language specifically addresses issues related to the 6-hour test requirements for metal halide luminaire ballasts in section 1604(n)(2)(E), adds "ANSI C78.43-2004" to the documents incorporated by reference in section 1604, and clarifies that lamps designed for "universal" orientations are not classified as vertical lamps by adding the word "only" to the note at the bottom of Table N-1 in section 1605.3.

Today, we hereby adopt the June 19, 2006 15-Day Language.

II. FINDINGS

Based on the entire record of this proceeding, we find as follows:

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

(1) are based on reasonable use patterns;

(2) apply to appliances whose use requires a significant amount of energy on a statewide basis;

(3) require efficiencies that are feasible and attainable; and

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

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

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

(4) will not impose costs on private persons;

(5) will impose no direct costs 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 7 (commencing with Section 17500) of the Government Code;

(6) will result in no costs or savings in federal funding to the State;

(7) will not affect housing costs;

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

(9) will have no significant costs that a representative person or business would incur in compliance ($360 per year per appliance for appliance manufacturers); and

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

C. The California Environmental Quality Act. Appendix A of Adoption Order 06-0426-11, an

Addendum to the Negative Declaration in Docket No. 04-AAER-01, made a determination that the April 26, 2006 adopted amendments would not result in a direct, or reasonably foreseeable indirect, significant adverse effect on the environment. The regulations adopted today have not affected nor changed this determination.

III. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The 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 July 5, 2006 hearing into the final Express Terms submitted to the Office of Administrative Law ("OAL"); making any appropriate nonsubstantive, editorial-type changes; and preparing and filing all appropriate documents, such as the Final Statement of Reasons at OAL.

This rulemaking is a continuation of a previous rulemaking that culminated in an Adoption Order on December 15, 2004. In that Order we directed the Efficiency Committee to examine various issues and report back to us. The Efficiency Committee has resolved most of the issues in the regulations that we are adopting today, but a few matters, mainly relating to potential incentive programs for lighting equipment, remain outstanding and were made part of the Adoption Order 06-0426-11 and are incorporated in this Adoption Order. This includes our directive to the National Electrical Manufacturers Association to provide appropriate market data on the enhanced spectrum market; the precise nature of the data and how it will be submitted shall be determined by the Efficiency Committee. If at any time the Efficiency Committee believes that the data indicate that standards are needed for enhanced spectrum lamps, it shall immediately begin a rulemaking to consider such standards. Therefore, this rulemaking proceeding shall remain in effect for the consideration of those matters and other issues the Efficiency Committee finds appropriate.

July 5, 2006

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

JACKALYNE PFANNENSTIEL
Chairman

(Absent)
JAMES D. BOYD
Vice Chair

ARTHUR H. ROSENFELD, Ph.D.
Commissioner

JOHN L. GEESMAN
Commissioner

JEFFREY D. BYRON
Commissioner