

RESOLUTION NO: _____

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION

WHEREAS, Public Resources Code section 25744.5 and sections 25780 – 25784 authorize the California Energy Commission to develop and implement a program to encourage the installation of solar energy systems on new residential construction, and authorize the California Energy Commission to adopt guidelines and subsequent guideline revisions to govern the administration of this program; and

WHEREAS, the California Energy Commission adopted the *New Solar Homes Partnership Guidebook* in December 2006 to carry out the purposes of Public Resources Code section 25744.5, sections 25780 – 25784, and former section 25744, and to govern the administration of the New Solar Homes Partnership program (NSHP) pursuant to this authority; and

WHEREAS, the California Energy Commission staff, with guidance and input from lead Commissioner Andrew McAllister, have proposed revisions to the *New Solar Homes Partnership Guidebook* to revise the lease and power purchase agreement section to allow a builder/developer to be an interim lessee or interim signatory of a power purchase agreement (PPA) for the purposes of receiving an NSHP reservation, subject to specified conditions; and

WHEREAS, on March 29, 2013, the California Energy Commission publicly noticed staff's proposed revisions to the *New Solar Homes Partnership Guidebook*, as set forth in the Sixth Edition, and offered stakeholders and interested members of the public an opportunity to comment on the proposed guideline revisions; and

WHEREAS, the California Energy Commission's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the proposed revisions to the *New Solar Homes Partnership Guidebook* and opined that the adoption of these revisions is exempt from CEQA, because it is not a "project" subject to CEQA pursuant to Title 14, California Code of Regulations, section 15378 (b)(2) and (4), in that it deals with the continuation of administrative and maintenance activities related to general policy and procedure making and the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and also because it falls within the so-called "common sense" exemption pursuant to Title 14, California Code of Regulations, section 15061(b)(3), which indicates that CEQA only applies to projects that have a "significant effect on the environment" as defined in Public Resources Code section 21068 and in Title 14,

California Code of Regulations, section 15382, as being a substantial, or potentially substantial, adverse change in the environment; and

WHEREAS, the California Energy Commission has considered staff's proposed revisions to the *New Solar Homes Partnership Guidebook*, as set forth in the Sixth Edition as reflected in the public notice of March 29, 2013, and finds that its adoption of these guideline revisions is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these revisions for the purpose of administering the NSHP; and

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts staff's proposed guideline revisions, as set forth in the *New Solar Homes Partnership Guidebook, Sixth Edition*, and authorizes the Executive Director, or his designee, to administer the NSHP as specified in the revised guidelines.

CERTIFICATION

The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of a RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on April 10, 2013.

AYE:

NAY:

ABSENT:

ABSTAIN:

Harriet Kallemeyn,
Secretariat