

Winter, Tiffani@Energy

From: Lemei, Galen@Energy
Sent: Thursday, August 06, 2015 4:50 PM
To: Lemei, Galen@Energy
Cc: Olson, Tim@Energy; Holmes, Caryn@Energy; Arens, Samantha@Energy; Oglesby, Rob@Energy; Roesser, Randy@Energy
Subject: Relationship between Items 11.a and 11.b on August 12 Business Meeting

Commissioners et al-

Our office has been asked about the relationship between items 11.a. and 11.b. on the August 12 Business Meeting. These items both relate to the changes to 20 CCR section 3103, which eliminate a credit discounting requirement for the Alternative and Renewable Fuel and Vehicle Technology Program. In case you have similar questions, the explanation is below.

The changes to section 3103 were adopted by the Commission on February 25, 2015 as an emergency regulation, and became effective on March 12, 2015. However, an emergency regulation is repealed by operation of law after 180 days, unless the adopting agency complies with the full rulemaking process for adopting regulations (including publication of a Notice of Proposed Action, completion of an Economic Analysis, etc.), and submits the rulemaking package to the Office of Administrative Law with a "Certification of Compliance" confirming that the agency has complied with the full rulemaking process to adopt the regulation originally adopted as an emergency regulation. To allow time for the full rulemaking process to be completed, an agency may readopt an emergency regulation up to two times, with each readoption extending the emergency regulation for an additional 90 days, so long as the agency has made substantial progress in adopting the regulation as permanent basis.

Item 11.a. on the August 12 Business Meeting Agenda proposes to readopt the emergency regulation, extending it for an additional 90 days pursuant to Government Code section 11346.1(h) in order to allow time for the completion of the full rulemaking process to adopt the regulation on a permanent basis. Item 11.b. proposes to adopt the emergency regulation on a permanent basis as required by Government Code section 11346.1(e), through a rulemaking in full compliance with Government Code sections 11346.2 through 11347.3.

Please let Tim, Caryn or me know if you have questions about these items. I will be supporting staff in the presentation of this item, as Samantha Arens and Caryn Holmes will both be out of the office.

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P.S. In furtherance of compliance with the Bagley-Keene Open Meetings Act, Commissioners and Advisors are bcc'd on this message.