NOTICE OF PROPOSED REGULATORY ACTION

AMENDMENTS TO PETROLEUM INDUSTRY INFORMATION REPORTING REGULATIONS

CALIFORNIA CODE OF REGULATIONS, TITLE 20, SECTIONS 1361 ET SEQ.

CALIFORNIA ENERGY COMMISSION

Docket Number 02-PII-01
December 3, 2004

TITLE 20. PETROLEUM INDUSTRY INFORMATION REPORTING ACT

NOTICE OF PROPOSED REGULATORY ACTION

RN 02-PII-01

SUBJECT: PETROLEUM INDUSTRY REPORTING REQUIREMENTS

NOTICE IS HEREBY GIVEN that the California Energy Commission (Energy Commission) proposes to amend Title 20, California Code of Regulations (CCR), section 1361 et seq.

AUTHORITY

These regulations are submitted pursuant to the Energy Commission's authority under Public Resources Code (PRC) 25354.

REFERENCE

These regulations are amended to implement and or make specific PRC 25354.

PUBLIC HEARING

A public hearing regarding the proposed regulatory action has not been scheduled. However, the Energy Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Energy Commission. ***The written comment period on the proposed regulations will close at 5:00 p.m., on January 18, 2005.*** All comments must be submitted in writing (by mail, fax or e-mail) to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Board.

Comments may be submitted to:

California Energy Commission
Re: Docket No. 02-PII-01

Docket Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5504
EMAIL: docket@energy.state.ca.us
FAX: 916-654-4365

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Public Resources Code 25350 et seq. vests the Energy Commission with the authority to establish regulations requiring the petroleum industry to report production, inventory, shipments and prices of crude oil, motor fuels and motor fuel blending components.

The amendments and modifications to title 20, California Code of Regulations Section 1361 et seq. will clarify statutory requirements that require the Energy Commission to collect information on production, inventory, shipments and prices for crude oil, motor fuels and motor fuel blending components in California. This information will allow the State to monitor the supply and price of transportation fuels and prepare timely reports on disruptions that may have an adverse impact on the California economy. This information will also allow the Energy Commission to assess the causes and conditions of price spikes, supply disruptions with respect to California's transportation fuel supplies, as directed by PRC 25356. There is comparable federal regulation that requires the crude oil and petroleum products industry to report similar information. However, the federal reporting requirements do not include state-specific information. California has a unique fuel specification that is not reflected in the federal reports. Thus, there is no comparable federal regulation where this information can be collected.

LOCAL MANDATES

The Energy Commission has determined that the proposed action imposes no mandate upon local agencies or school districts.

FISCAL IMPACT STATEMENT

Costs to any local agency or school district that must be reimbursed in accordance with Government Code §§ 17500 through 17630: *None*

Costs or savings to any state agency: The costs related to this rulemaking are estimated by the Energy Commission to be less than $100,000.

Other non-discretionary costs or savings imposed on local agencies: *None*

Costs or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that the proposed action will have no significant effect on housing costs.

COSTS IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Energy Commission is not aware of any costs impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. The Energy Commission is aware that a representative business will incur modest costs in compliance with the proposed action that will be offset by elimination of some existing reporting requirements.

SIGNIFICANT STATEWIDE ADVERSE IMPACT ON BUSINESS

The Energy Commission has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Energy Commission has determined that the proposed action will not have a significant statewide adverse impact on small businesses.

ASSESSMENT OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Energy Commission has determined that the proposed action amendments will have no effect on the creation of new jobs, the elimination of existing jobs or businesses within California, or the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

Because of confidentiality and antitrust regulations this information is not made available to the public in any form and the Energy Commission has determined that there is no reasonable alternative. No alternative has been identified and brought to the attention of the Energy Commission more effective in carrying out the purpose for which the action is proposed that is as effective, as and less burdensome, to affected private persons and businesses than the proposed regulatory action.

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSED REGULATION AND THE RULEMAKING FILE

The Energy Commission has prepared and will make available the initial statement of reasons and the text of the proposed regulations on the Energy Commission's Internet Home Page at: *www.energy.ca.gov*. Review of the rulemaking file for this regulatory action, which contains those items and all the information on which the proposal is based, is available to the public during office hours via the Energy Commission contact person indicated below. The cost of copies is $0.10 per page, plus postage. The statement of reasons and proposed text are also available for review at the Energy Commission's Docket Office.

AGENCY CONTACT PERSON

Please direct requests for review or copies of the initial statement of reasons, the proposed text of the regulations, or other information upon which the rulemaking is based, to:

Sue Kateley, PIIRA Supervisor
California Energy Commission
1516 Ninth Street, MS 14
Sacramento, CA 95814
skateley@energy.state.ca.us
916-657-4245

For any inquiries, please identify the action by using the Energy Commission's docket number **02-PII-01**.

Note: In the event the contact person is unavailable, inquires should be directed to the following backup contact person at the same address as noted above: Tom Glaviano, 916-651-8893.

Questions on the substance of the proposed regulatory action may be directed to: Sue Kateley, 916-657-4245.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

The final statement of reasons will be available on the Energy Commission's Internet Home Page at: www.energy.ca.gov. It may also be obtained from the Energy Commission contact person at a cost of $ 0.10 per page, plus postage.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Energy Commission may adopt the proposed regulations substantially as described in this notice. If the Energy Commission makes modifications that result in a sufficiently modified text, those modifications will be made available to the public for at least 15 days before the Energy Commission adopts the regulation as revised. Any modified regulatory text will be posted on the Energy Commission's Internet Home Page at: www.energy.ca.gov. Copies may also be obtained from the contact person indicated in this notice at a cost of $ 0.10 per page, plus postage. The Energy Commission will accept written comments on the modified regulation for 15 days after the date on which they are made available.