

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

Rulemaking to Amend Regulations
Governing the Power Source Disclosure
Program

Docket No. 21-OIR-01
[Proposed] Order:

ORDER INSTITUTING
RULEMAKING

I. PURPOSE AND SCOPE OF THE PROCEEDING

Pursuant to Public Resources Code sections 25213, and 25218(e), and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (CEC) hereby institutes a proceeding to consider modifications to the Power Source Disclosure regulations, California Code of Regulations, title 20, section 1390 *et seq.* to implement Assembly Bill 242 (AB 242, Holden, Chapter 228, Statutes of 2021) and consider other modifications.

In 1997, Senate Bill 1305 (SB 1305, Sher, Chapter 796, Statutes of 1997) was enacted, adding sections 398.1 through 398.5 to the Public Utilities Code and requiring every retail supplier that sells electricity that is consumed in California to disclose its electricity sources. The bill directed the CEC to establish guidelines for the format and means for such disclosure. The CEC adopted regulations in September 1998. These regulations established the format and timing of various reporting requirements, including a detailed format for the power content label, which is the vehicle for disclosure of electricity sources to consumers. The regulations were subsequently amended in 2001, 2016, and 2020, with the latest modification adding a requirement to report the greenhouse gas emissions intensity associated with purchased electricity portfolios and include it in the power content label pursuant to Assembly Bill 1110 (AB 1110, Ting, Chapter 656, Statutes of 2016).

In 2021, AB 242 was adopted requiring each retail supplier to post their power content labels for the prior year on their website annually by October 1 and to include it in written

promotional materials by the end of the first complete billing cycle for the fourth quarter of the current year. The CEC orders that a rulemaking proceeding be opened to consider and adopt modifications to California Code of Regulations, title 20, section 1390 *et seq.* for the purpose of implementing, interpreting, and making specific changes to the regulations to conform to the statutory changes enacted in AB 242 and to make any other modifications to the regulations that are determined to be necessary, including revisions to clarify existing provisions, improvements to program operations, and amendments to streamline reporting requirements.

II. DELEGATION OF AUTHORITY

The CEC delegates the authority to staff to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act and the California Environmental Quality Act. Adoption of any changes to the CEC's regulations pursuant to this OIR will be by vote of the CEC at a noticed Business Meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The Executive Director, in conjunction with the Public Advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in the proceeding. When new information is posted, an email will be sent to those on the Power Source Disclosure (PSD) list server and the General Renewable Energy Info and CEC Renewable Energy Programs list servers. To receive these notices, subscribe at the [PSD page](https://www.energy.ca.gov/programs-andtopics/programs/power-source-disclosure), <https://www.energy.ca.gov/programs-andtopics/programs/power-source-disclosure>. Manage existing list servers or sign up for others at [CEC List Servers](https://ww2.energy.ca.gov/listservers/index_cms.html), at https://ww2.energy.ca.gov/listservers/index_cms.html.

The CEC encourages use of its electronic commenting system. Visit the [e-commenting](https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-OIR-01) page at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-OIR-01>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 California Code of Regulations Section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 21-OIR-01 and "Rulemaking to Amend Regulations Governing the Power Source Disclosure Program" in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

Docket No. 21-OIR-01
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC's Public Advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact publicadvisor@energy.ca.gov for assistance.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on March 9, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

Liza Lopez
Secretariat

California Energy Commission