

# Memorandum

To: Chair and Commissioners

Date: October 10, 2022

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From: **Haile Bucaneg and RJ Wichert**  
**Efficiency Division**  
**California Energy Commission**  
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Subject: **Certification of Updated 2022 Alternative Calculation Method (ACM) Reference Manuals and California's Building Energy Code Compliance Software (CBECC-Res 2022.2.0 and CBECC 2022.2.0).**

Two proposed resolutions would certify updated 2022 Single-Family ACM Reference Manual and 2022 Nonresidential and Multifamily ACM Reference Manual, as required by Public Resources Code section 25402.1(e), and approve an updated 2022 public domain residential, nonresidential, and multifamily software as required by Public Resources Code section 25402.1(a).

The ACM Reference Manuals and the CBECC Res 2022.1.0 and CBECC 2022 1.0 software were certified on the June 8, 2022, business meeting. The updated ACM Reference Manuals and software considered on the October 12, 2022 business meeting are in response to stakeholder comments and coding needs.

The 2022 Single-Family Residential ACM Reference Manual and 2022 Nonresidential and Multifamily ACM Reference Manual are used to document the modeling methods used to demonstrate performance compliance with the Energy Code.

The 2022 Single-Family Residential ACM Reference Manual, and 2022 Nonresidential and Multifamily ACM Reference Manual can be downloaded from the [2022 Energy Code Compliance Software & Supporting Documents](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02) docket  
[<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02>]

The public domain compliance software has been updated as described in the 2022 Alternative Calculation Method Reference Manuals, and will enable contractors, builders, architects, engineers, and government officials to demonstrate performance compliance with the 2022 Building Energy Efficiency Standards.

The proposed public domain residential, nonresidential, and multifamily software (CBECC-Res and CBECC), version 2022.2.0 Release Candidate (RC) can be downloaded from the [2022 Energy Code Compliance Software & Supporting Documents](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02) docket  
[<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-BSTD-02>]

# Memorandum

To: Docket 22-BTSD-02

Date: **October 12, 2022**

From: **Michael Sokol, Director**  
**Efficiency Division**  
California Energy Commission

**Subject:** Basis for Finding that the updated 2022 Single-Family Residential Alternative Calculation Reference Manual and 2022 Nonresidential and Multifamily Alternative Calculation Reference Manual (collectively the “ACM Reference Manuals”) are not a project and are exempt from the California Environmental Quality Act (CEQA) under the Common-Sense Exemption

## I. CEQA

The California Environmental Quality Act (Pub. Resources Code, sections 21000 *et seq.*; see also CEQA Guidelines, Cal. Code Regs., tit. 14, sections 15000 *et seq.*) requires that state agencies consider the environmental impact of their discretionary decisions. CEQA allows for certain projects to be exempted from its requirements. Of relevance here, and discussed further below, is the common-sense exemption (Cal. Code Regs., tit. 14, section 15061(b)(3)).

## II. Pub. Resources Code, section 25402.1(e) ACM Reference Manuals

Public Resources Code section 25402 requires the CEC to adopt building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings, and energy and water conservation design standards. The standards are contained in Part 6 and associated administrative regulations in Part 1 of Title 24 of the California Code of Regulations (Energy Code). Further, section 25402 requires the Energy Code to be cost-effective when taken in its entirety and when amortized over the economic life of the structure when compared with historic practice.

No later than 180 days after approval of the Energy Code by the California State Building Standards Commission, the CEC must certify an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings. (Pub. Resources Code, section 25402.1(e).) The manual shall contain, but not be limited to, the following: (1) The standards for energy conservation established by the commission, (2) forms, charts, tables, and other data to assist designers and builders in meeting the standards, (3) design suggestions for meeting or exceeding the standards, (4) any other information which the commission finds will assist persons in conforming to the standards, (5) instructions for use of the computer program for calculating energy consumption in residential and nonresidential buildings, (6) the prescriptive method for use as an alternative to the computer program.

### **III. The Proposed Action**

On August 11, 2021, the CEC adopted amendments to its Building Energy Efficiency Standards, located in Part 1, Chapter 10, and Part 6 of Title 24 of the California Code of Regulations (2022 Energy Code), as authorized and directed by Public Resources Code section 25402.<sup>1</sup>

On December 14, 2021, the California Building Standards Commission approved the 2022 Energy Code. The 2022 Energy Code will go into effect on January 1, 2023.

To implement the requirement of section 25402.1(e), CEC staff developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, ACM Reference Manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the 2022 Energy Code, including forms, charts, and other data. As part of developing the energy conservation manual, the CEC developed new content for the ACM Reference Manuals, which document the modeling methods used in the 2022 compliance software. The CEC certified the ACM Reference Manuals at the June 8, 2022, CEC business meeting.

To respond to necessary changes to the 2022 compliance software, CEC developed updated content for the ACM Reference Manuals. The CEC is considering certifying the updated ACM Reference Manuals at the October 12, 2022, CEC business meeting.

### **IV. CEC approval of the updated ACM Reference Manuals is not a project.**

CEQA only applies to an action “that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (Cal. Code Regs., tit. 14, section 15061(a).)

As discussed above, the CEC certifies an energy conservation manual to assist interested persons with complying with the Energy Code, pursuant to Public Resources Code section 25402.1(e). The energy conservation manual provides information regarding the 2022 Building Energy Efficiency Standards, which were previously adopted on August 11, 2021, and approved by the California Building Standards Commission on December 14, 2021. The energy conservation manual does not impose any new requirements and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Accordingly, the energy conservation manual, including the updated ACM Reference Manuals, do not meet the definition of a project under CEQA.

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<sup>1</sup> Prior to adopting the 2022 Energy Code, the CEC adopted the Final Environmental Impact Report (EIR) for the 2022 Energy Code. The Final EIR consists of the Draft EIR, comments received during the 45-day public review and comment period, and the CEC’s responses to the comments received during the 45-day public review and comment period, as well as a revised Draft EIR incorporating changes made to the text of the Draft EIR in response to the comments received on the Draft EIR. Considering all comments received on the Draft EIR and based on the entire record of this proceeding, the CEC certified the Final EIR as complying with CEQA and found that there are no significant, unmitigated environmental impacts from the adoption of the 2022 Energy Code.

## **V. Even if the updated ACM Reference Manuals were considered a project, they are exempt from CEQA under the Common-Sense Exemption.**

The updated ACM Reference Manuals are exempt from CEQA under the Common-Sense Exemption. As stated above, CEQA only applies to projects that have the potential to cause a significant effect on the environment. (Cal. Code Regs., tit. 14, section 15061(b)(3).) A “significant effect on the environment” is defined as a substantial, or a potentially substantial, adverse change in the environment, and does not include an economic change by itself. (Pub. Resources Code, section 21068; Cal. Code Regs., tit. 14, section 15382.)

The updated ACM Reference Manuals are designed to help building owners, architects, engineers, designers, energy consultants, builders, enforcement agencies, contractors and installers, and manufacturers comply with and enforce the 2022 Energy Code. The ACM Reference Manuals are purely a reference and instructional guide that reiterates the language already contained in the 2022 Energy Code. The updated ACM Reference Manuals contain no new requirements to comply with the 2022 Energy Code. As such, the updated ACM Reference Manuals do not have the potential to have a significant effect on the environment that was not already contemplated in the previous EIR adopted on August 11, 2021.

## **VI. Conclusion**

As shown above, it can be seen with reasonable certainty that the proposed update to the 2022 ACM Reference Manuals is not a project because they do not impose any new requirements and therefore have no potential for resulting in either a direct physical change in the environment. If the updated ACM Reference Manuals were to be a project, the updated ACM Reference Manuals would not have a significant effect on the environment and, therefore, they are exempt pursuant to the Common-Sense Exemption under California Code of Regulations, Title 14, section 15061(b)(3).

# Memorandum

To: Docket 22-BTSD-02

Date: **October 12, 2022**

From: **Michael J. Sokol, Director**  
**Efficiency Division**  
California Energy Commission

Subject: Basis for Finding that the updated California's Building Energy Code Compliance Software is not a project and is exempt from the California Environmental Quality Act under the Common-Sense Exemption

## I. CEQA

The California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 *et seq.*, see also CEQA Guidelines, California Code of Regulations, Title 14, sections 15000 *et seq.*) requires that state agencies consider the environmental impact of certain discretionary decisions. CEQA allows for certain projects to be exempted from its requirements. Of relevance here, and discussed further below, is the common-sense exemption (California Code of Regulations, Title 14, section 15061(b)(3)).

## II. Public Resources Code Section 25402.1 California's Building Energy Code Compliance Software

Public Resources Code section 25402 requires the CEC to adopt building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings, and to adopt energy and water conservation design standards. The Building Energy Efficiency Standards (Energy Code) are contained in Part 6 and associated administrative regulations in Part 1 of Title 24 of the California Code of Regulations. Further, section 25402 requires the Energy Code to be cost-effective when taken in its entirety and when amortized over the economic life of the structure when compared with historic practice.

Further, Public Resources Code section 25402.1(a) requires the CEC to develop a public computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings. The commission may charge a fee for the use of the program, which fee shall be based upon the actual cost of the program, including any computer costs.

## III. The Proposed Action

On August 11, 2021, the CEC adopted amendments to its Building Energy Efficiency Standards, located in Part 1, Chapter 10, and Part 6 of Title 24 of the California Code of

Regulations (2022 Energy Code), as authorized and directed by Public Resources Code section 25402.<sup>1</sup>

On December 14, 2021, the California Building Standards Commission approved the 2022 Energy Code. The 2022 Energy Code will go into effect on January 1, 2023.

To implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California' Building Energy Code Compliance residential software (CBECC-Res 2022.1.0) and nonresidential / multifamily software (CBECC 2022.1.0) which is used to demonstrate performance compliance with the 2022 Energy Code. The CEC approved CBECC-Res 2022.1.0 and CBECC 2022.1.0 at the June 8 2022, CEC business meeting.

To respond to stakeholder comments, CEC updated the CBECC-Res 2022.1.0 (CBECC-Res 2022.2.0) and CBECC 2022.1.0 (CBECC 2022.2.0). The CEC is considering certifying CBECC-Res 2022.2.0 and CBECC 2022.2.0 at the October 12, 2022, CEC business meeting.

#### **IV. CEC approval of CBECC-Res 2022.2.0 and CBECC 2022.2.0 is not a project.**

CEQA only applies to an action “that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (California Code of Regulations, Title 14, section 15061(a)).

The CEC develops and approves a public domain computer program to assist the building industry in demonstrating performance compliance with the 2022 Energy Code, pursuant to Public Resources Code section 25402.1(a). CBECC-Res 2022.2.0 and CBECC 2022.2.0 is used as a tool to ensure compliance with the energy models detailed in the 2022 Alternative Calculation Method (ACM) Reference Manuals, which provide rules for the public domain software. CBECC-Res 2022.2.0 and CBECC 2022.2.0 does not impose any new requirements and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Accordingly, the public domain computer program, CBECC-Res 2022.2.0 and CBECC 2022.2.0, does not meet the definition of a project under CEQA.

#### **V. Even if CEC approval of CBECC-Res 2022.2.0 and CBECC 2022.2.0 were considered a project, it would be exempt from CEQA under the Common-Sense Exemption.**

CBECC-Res 2022.2.0 and CBECC 2022.2.0 are exempt from CEQA under the Common-Sense Exemption. As stated above, CEQA only applies to projects that have the potential to cause a significant effect on the environment (California Code of Regulations, Title 14, section 15061(b)(3)). A “significant effect on the environment” is defined as a substantial, or a potentially substantial, adverse change in the environment, and does not include an economic change by itself (Public Resources Code section 21068; California Code of Regulations, Title 14, section 15382).

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<sup>1</sup> Prior to adopting the 2022 Energy Code, the CEC certified an Environmental Impact Report (EIR) for the Energy Code. The CEC found, based on the Final EIR (which included a draft EIR, comments received on the Draft EIR, and responses to the comments received) and the entire record of the proceeding, that there were no significant, unmitigated environmental impacts from the adoption of the 2022 Energy Code.

CBECC-Res 2022.2.0 and CBECC 2022.2.0 are developed to assist the building industry in demonstrating performance compliance with the 2022 Energy Code. CBECC-Res 2022.2.0 and CBECC 2022.2.0 reflect the requirements outlined in the 2022 Energy Code and the energy modeling in the 2022 ACM Reference Manuals. CBECC-Res 2022.2.0 and CBECC 2022.2.0 contain no new requirements to comply with the 2022 Energy Code. As such, they do not have the potential to have a significant effect on the environment.

## **VI. Conclusion**

As shown above, CEC approval of CBECC-Res 2022.2.0 and CBECC 2022.2.0 is not a project because the software does not impose any new requirements and therefore has no potential for resulting in either a direct physical change in the environment. Even if CEC's approval of CBECC-Res 2022.2.0 and CBECC 2022.2.0 were a project, there is no possibility that it would have a significant effect on the environment and is therefore exempt pursuant to the Common-Sense Exemption under California Code of Regulations, Title 14, section 15061(b)(3).

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION CERTIFYING THE SINGLE-FAMILY RESIDENTIAL ALTERNATIVE  
CALCULATION REFERENCE MANUAL AND NONRESIDENTIAL AND  
MULTIFAMILY ALTERNATIVE CALCULATION REFERENCE MANUAL FOR THE  
2022 BUILDING ENERGY EFFICIENCY STANDARDS**

**WHEREAS**, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, title 24, part 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

**WHEREAS**, these standards were approved by the California Building Standards Commission on December 14, 2021; and

**WHEREAS**, the Warren-Alquist Act, in Public Resources Code section 25402.1(e), requires the CEC to certify “an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings” no later than 180 days after the California Building Standards Commission approves the Building Energy Efficiency Standards; and

**WHEREAS**, in order to implement the requirement of section 25402.1(e), CEC staff has developed an energy conservation manual that is comprised of several documents, including residential and nonresidential compliance manuals, residential and nonresidential alternative compliance method reference manuals, a data registry requirements manual, and other compliance forms, all of which contain information to assist designers, builders, and contractors in meeting the Building Energy Efficiency Standards, including forms, charts, and other data; and

**WHEREAS**, the CEC certified the energy conservation manual at the May 11, 2022 and June 8, 2022, CEC business meetings; and

**WHEREAS**, to respond to necessary changes to California’s Building Energy Code Compliance Software (2022 compliance software), CEC staff developed updated content for the Single-Family Alternative Calculation Reference Manual, Publication Number CEC-400-2022-008-CMF-REV and the Nonresidential and Multifamily Alternative Calculation Reference Manual, Publication Number CEC-400-2022-009-CMF-REV (collectively the “ACM Reference Manuals”), which document the modeling methods used in the 2022 compliance software, which demonstrates performance compliance with the 2022 Building Energy Efficiency Standards; and



**WHEREAS**, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the updated ACM Reference Manuals and finds that the updated ACM Reference Manuals do not meet the definition of a “project” under Public Resources Code, section 21065, because the updated ACM Reference Manuals have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the update ACM Reference Manuals were to be considered a project, then the project would fall under the “common sense exemption” in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the updated ACM Reference Manuals would have a significant effect on the environment; and

**WHEREAS**, the CEC has considered staff’s proposed updates to the ACM Reference Manuals and staff’s finding that its adoption is exempt from CEQA.

**THEREFORE, BE IT RESOLVED**, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the updated ACM Reference Manuals are not subject to CEQA because they do not meet the definition of a “project” as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (Cal. Code Regs., tit 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

**THEREFORE, BE IT RESOLVED**, that the CEC hereby certifies the updated Single-Family Alternative Calculation Reference Manual, Publication Number CEC-400-2022-008-CMF-REV, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

**FURTHER BE IT RESOLVED**, that the CEC hereby certifies the updated Nonresidential and Multifamily Alternative Calculation Reference Manual, Publication Number CEC-400-2022-009-CMF-REV, used to demonstrate compliance with the 2022 Building Energy Efficiency Standards; and

**FURTHER BE IT RESOLVED**, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced documents available and in good form, including but not limited to correcting typographical and other non-substantive errors.

### **CERTIFICATION**

The undersigned Secretariat to the CEC 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 CEC held on October 12, 2022.

AYE:  
NAY:  
ABSENT:  
ABSTAIN:

Dated:

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Liza Lopez  
Secretariat

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION APPROVING UPDATED 2022 PUBLIC DOMAIN RESIDENTIAL  
(CBECC-RES 2022.2.0) AND NONRESIDENTIAL AND MULTIFAMILY  
(CBECC 2022.2.0) COMPLIANCE SOFTWARE

**WHEREAS**, the 2022 Building Energy Efficiency Standards, amending California Code of Regulations, Title 24, Parts 1 and 6, were adopted by the California Energy Commission (CEC) on August 11, 2021, with a proposed effective date of January 1, 2023, and

**WHEREAS**, these standards were approved by the California Building Standards Commission on December 14, 2021, and will go into effect January 1, 2023; and

**WHEREAS**, the Warren-Alquist Act, in Public Resources Code section 25402.1(a), requires the CEC to develop a public computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings; and

**WHEREAS**, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance residential software (CBECC-Res 2022.1.0), which is used to estimate energy consumed by single-family residential buildings and demonstrate compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

**WHEREAS**, in order to implement the requirement of section 25402.1(a), CEC staff developed a public domain computer program that is comprised of California's Building Energy Code Compliance nonresidential software (CBECC 2022.1.0), which is used to estimate energy consumed by nonresidential and multifamily residential buildings and demonstrate compliance with the performance-based nonresidential and multifamily provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1, Chapter 10, and 6; and

**WHEREAS**, CEC approved CBECC-Res 2022.1.0 and CBECC 2022.1.0 at the June 8, 2022, CEC business meeting; and

**WHEREAS**, to respond to stakeholder comments, CEC updated the CBECC-Res 2022.2.0 (CBECC-Res 2022.2.0) and CBECC 2022.1.0 (CBECC 2022.2.0); and

**WHEREAS**, as part of developing the updated public domain computer program, CEC staff has reviewed and tested CBECC-Res 2022.2.0 and CBECC 2022.2.0 to ensure they meet the requirements, specifications, and criteria for building energy models set forth in the 2022 Alternative Calculation Method (ACM) Approval Manuals; and

**WHEREAS**, CEC staff has considered the application of the California Environmental Quality Act (CEQA) to the CBECC-Res 2022.2.0 and the CBECC 2022.2.0 compliance software and finds that the compliance software does not meet the definition of a “project” under Public Resources Code section 21065, because the compliance software have no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and even if the compliance software were considered a project, then the project would fall under the “common sense exemption” in California Code of Regulations, Title 14, section 15061(b)(3) because there is no reasonable possibility the compliance software would have a significant effect on the environment; and

**WHEREAS**, the CEC has considered staff’s proposed updates to the CBECC-Res 2022.2.0 and the CBECC 2022.2.0 compliance software and finding that its adoption is exempt from CEQA.

**THEREFORE, BE IT RESOLVED**, that on the basis of the entire record before it, the CEC hereby adopts staff’s finding that the CBECC-Res 2022.2.0 and the CBECC 2022.2.0 compliance software are not subject to CEQA because they do not meet the definition of a “project” as they are not an activity that has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and even if they were a project, they are exempt from CEQA pursuant to the Common-Sense Exemption (California Code of Regulations, Title 14, section 15061(b)(3)) because there is no reasonable possibility that the activity will have a significant effect on the environment, including unusual circumstances; and

**FURTHER BE IT RESOLVED**, that the CEC approves CBECC-Res 2022.2.0 used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

**FURTHER BE IT RESOLVED**, that the CEC approves CBECC 2022.2.0 used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6; and

**FURTHER BE IT RESOLVED**, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC-Res 2022.1.0 and any other alternative calculation methods incorporating the previously approved compliance software used for estimating energy consumed by single-family residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based single-family residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6 for permit applications made on or after January 16, 2023; and

**FURTHER BE IT RESOLVED**, that pursuant to the 2022 ACM Approval Manual, sections 1.3.1 and 1.5.1, the CEC rescinds its approval of CBECC 2022.1.0 and any other alternative calculation methods incorporating the previously approved compliance software used for estimating energy consumed by nonresidential and multifamily residential buildings as specified in Public Resources Code section 25402.1, subdivision (a), and for demonstrating compliance with the performance-based nonresidential and multifamily residential provisions of the 2022 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6 for permit applications made on or after January 16, 2023; and

**FURTHER BE IT RESOLVED**, that the CEC directs the executive director or their designee to take all actions reasonably necessary to make the above-referenced software available and maintain the software in good form, including but not limited to releasing bug fixes, correcting calculation and analytical errors, necessary ongoing software updates, user interface changes, and other minor updates.

### **CERTIFICATION**

The undersigned Secretariat to the CEC 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 CEC held on October 12, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

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Liza Lopez  
Secretariat