

EXPRESS TERMS – Section 100 Request

California Code of Regulations

Title 20. Public Utilities and Energy

Division 2. State Energy Resources Conservation and Development Commission

Chapter 1. General Provisions

Article 1. Construction of Regulations

Section 1002. Service on the Commission.

Service of process may be made on the commission by personal service on the chairman, the executive director, or chief counsel, or as otherwise provided by law addressed as follows:

Energy Resources Conservation and Development Commission

~~1516 Ninth Street~~ 715 P Street

Sacramento, CA 95814

Attn. Chief Counsel

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25218(c), Public Resources Code.

Chapter 2. Rules of Practice and Procedure

Article 1. Commission Business Meetings

Section 1102. Meetings – Scheduling.

(b) The time and place of meetings may be set by resolution of the commission, by written petition of a majority of the members, or by written call of the chairman. The chairman may, for good cause, change the starting time or place, reschedule, or cancel any meeting.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25214, Public Resources Code.

Section 1104. Meetings.

- (a) Presiding Member. The chair~~man~~ shall preside over all meetings of the commission at which ~~he is~~they are present. In ~~his or her~~the chair's absence, the vice chair~~man~~ shall preside. If neither the chair~~man~~ nor the vice chair~~man~~ is in attendance, the member present who has the greatest seniority on the Commission shall preside. The presiding member may yield the chair.

Note: Authority cited: Section 25218, Public Resources Code. Reference: Section 25214, Public Resources Code.

Section 1105. Permanent Record.

- (a) The commission shall keep minutes of its meetings. Minutes shall be approved by the full commission and, upon approval, shall be signed by the chair~~man~~ or other person designated by the chair~~man~~. Signed minutes shall be the original evidence of actions taken at any meeting, including the text of any resolution adopted.

- (d) Any person may petition the commission to correct a transcript of ~~his~~their own statements. Such petition shall be made within sixty days after the transcript has been made available to the public at the commission's main office. The commission shall consider any such petition as an item on the consent calendar pursuant Section 1104(c) of these regulations.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25214, Public Resources Code.

Article 2. General Provisions Applicable to all Commission Proceedings

Section 1206. Representatives.

Any person may designate any other person, to represent ~~him or her~~them for any purpose.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25205(d), Public Resources Code.

Article 4. Rulemaking and Informational Hearings

Section 1221. Petitions.

- (b) Such petition shall be filed with the executive director who shall within seven (7) days after its filing determine whether the petition contains the information specified in subsection (a).
- (1) If the executive director determines that the petition is complete, ~~he or she~~they shall so certify in writing and shall inform the petitioner.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Sections 11347 and 11347.1, Government Code.

Chapter 3. Data Collection

Article 1. Quarterly Fuel and Energy Reports

Section 1302. Rules of Construction and Definitions.

(b) Definitions. In this Article, the following definitions apply unless the context clearly requires otherwise:

(23) "Executive Director" means the Executive Director of the Commission, or ~~his or her~~their designee.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25100-25141, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25305.1, 25310, 25324, 25330 et seq., 25401, 25401.2, 25403, 25403.5, 25602, Public Resources Code; and Sections 9615 and 9620, Public Utilities Code.

Section 1303. General Rules for All Reports.

(i) Submittal of Alternative Data, Reports, or Format.

(2) If the Executive Director determines that the alternative filing does not contain the information required by the Commission regulation identified in Section 1303(i)(1), ~~he or she~~they may notify the company responsible for submitting data or a report under this Article, and the company shall provide the information required by the regulation within 45 days. The Executive Director shall consider the factors in Public Resources Code section 25320(a)(2)(B)-(C) when deciding whether to issue such a notification.

Note: Authority cited: Sections 25213, 25218(e), and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code; and Sections 9615 and 9620, Public Utilities Code.

Section 1312. Energy Efficiency Program Data Collection from Non-Utility PACE Programs.

(a) Beginning in 2022, and every year thereafter, each PACE program administrator shall report no later than September 15 to the Commission its annual investments in energy efficiency programs for the previous fiscal year. The report shall include:

(1) Program name: title or name of the PACE program ~~(Example: mPower);~~

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code. Reference: Sections 25301, 25302, 25305, 25305.2, 25320, 25700 and 25704, Public Resources Code; Sections 22016 and 22018, Financial Code.

Article 2. Forecast and Assessment of Energy Loads and Resources

Section 1342. General Requirements for Preparation of Planning Reports and Supporting Survey and Load Metering Data Collection Requirements.

(g) Submittal of Alternative Data, Reports, or Format.

(2) If the Executive Director determines that the alternative filing does not contain the information required by the Commission regulation identified in Section 1342(g)(1), ~~he or~~ **shethey** may notify the company responsible for submitting data or a report under this Article, and the company shall provide the information required by the regulation within 45 days. The Executive Director shall consider the factors in Public Resources Code section 25320(a)(2)(B)-(C) when deciding whether to issue such a notification.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25324 and 25330 et seq., Public Resources Code; and Section 9620, Public Utilities Code.

Article 5. Power Source Disclosure

Section 1392. Generation Disclosure.

(d) The following requirements apply to generation and fuel information that is reported for any generation that is sold in an electric service product for which a claim of specific purchases is made.

(3) When a retail supplier's claim of specific purchases mandates that a generator comply with the reporting requirements of subdivision (d)(2) of this section, the retail supplier shall inform the generator that ~~he or she~~they must comply with these reporting requirements.

Note: Authority cited: Section 25213, Public Resources Code; and Sections 398.3 and 398.5, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Sections 398.3 and 398.5, Public Utilities Code.

Section 1394.1. Retail Disclosure to Consumers.

(j) If a retail supplier elects to include additional information related to the sources of unbundled RECs on any power content label, the retail supplier shall submit the proposed information to the Energy Commission for review by May 1 annually. By June 15 annually, the Executive Director or ~~her or his~~their designee shall determine whether the proposed language is limited to information specifically related to the sources of unbundled RECs and does not conflict with the methodology established by the Energy Commission for the calculation of the GHG emissions intensity. If the Executive Director or ~~her or his~~their designee determines that the proposed language meets these requirements, ~~she or he~~they shall issue a modified Power Content Label template to the retail supplier that includes the proposed language in a footnote.

Note: Authority cited: Section 25213, Public Resources Code; and Section 398.4, Public Utilities Code. Reference: Sections 25216 and 25216.5, Public Resources Code; and Section 398.4, Public Utilities Code.

Chapter 4. Energy Conservation

Article 4. Appliance Efficiency Regulations

Section 1602. Definitions.

(a) General

"Executive Director" means the Executive Director of the Energy Commission or ~~his or her~~their designee.

Note: Authority cited: Sections 25213, 25218(e), 25401.9, 25402(a)-25402(c) and 25960, Public Resources Code; and Sections 16, 26 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25401.9, 25402(a)-25402(c), 25402.5.4 and 25960, Public Resources Code; and Section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Section 1603. Testing: All Appliances.

(b) Approved Industry Certification Programs.

(2) The Executive Director shall, within 30 days of receiving a written request by an entity administering an appliance certification program, determine whether the program meets the criteria in section 1603(b)(1) of this Article. If the Executive Director determines that the program meets all the criteria, ~~he or she~~**they** shall designate the program as an approved industry certification program. The Executive Director shall periodically publish a list of all approved industry certification programs.

(3) The Executive Director shall, within 30 days of receiving a written request, determine whether an approved industry certification program continues to meet the criteria in section 1603(b)(1) of this Article. If the Executive Director determines that the program meets all the criteria, the program shall remain on the list of approved industry certification programs published under section 1603(b)(2) of this Article. If the Executive Director determines that the program does not meet all the criteria, ~~he or she~~**they** shall remove the program from the list, and the program shall no longer be an approved industry certification program.

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-(c) and 25960, Public Resources Code. Reference: Sections 25216.5(d), 25402(a)-(c) and 25960, Public Resources Code.

Section 1605.3. State Standards for Non-Federally-Regulated Appliances.

(h) Plumbing Fittings.

(3) Kitchen Faucets and Aerators and Public Lavatory Faucets and Aerators. The flow rate of kitchen faucets, kitchen replacement aerators, public lavatory faucets, and public lavatory replacement aerators sold or offered for sale on or after January 1, 2016 shall not be greater than the applicable values shown in Table H-4.

(A) For the plumbing fittings identified in Table H-4, noncompliant products may not be sold or offered for sale on or after January 1, 2016, regardless of manufacture date.

Table H-4

Standards for Kitchen Faucets and Aerators and Public Lavatory Faucets and Aerators

Appliance	Maximum Flow Rate
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Kitchen faucets and aerators	1.8 gmpgpm with optional temporary flow of 2.2 gpm at 60 psi
Public lavatory faucets and aerators	0.5 gpm at 60 psi

Note: Authority cited: Sections 25213, 25218(e), 25401.9, 25402(a)-25402(c) and 25960, Public Resources Code; and Sections 16, 26 and 30, Governor’s Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25401.9, 25402(a)-25402(c) and 25960, Public Resources Code; and Section 16, Governor’s Exec. Order No. B-29-15 (April 1, 2015).

Section 1606. Filing by Manufacturers; Listing of Appliances in the MAEDbS.

(a) Filing of Statements.

(1) General Rules.

(E) Multiple Statements. A manufacturer may electronically file statements through the MAEDbS for more than one appliance in a single submittal to the Executive Director. If a submittal contains statements for more than one appliance, there shall be only one statement for each appliance, except as provided in sections 1606(a)(1)(D) and 1606(a)(1)(G) of this Article. The Executive Director shall allow multiple statements to be submitted in the same electronic file under conditions ~~she or he determines~~**they determine** are reasonably necessary to ensure accuracy and compatibility with the MAEDbS.

(2) Manufacturer Information.

(B) The name, address, telephone number, e-mail address, and, if available, fax number of the individual to contact concerning the statement pursuant to section 1606(a)(4) of this Article. There shall be only one individual to contact for each category (box) in the “Appliance” column of Table X, except that the individual may, during ~~his or her~~**their** absence, delegate ~~his or her~~**their** duties in this regard.

(d) Assessment of Completeness, Accuracy, and Compliance of Manufacturer Statements.

(1) Notwithstanding any other provision of these regulations, the Executive Director may at any time challenge the completeness, accuracy, and compliance with the requirements of this

Article, of any statement or confirmation filed pursuant to this Section. If the statement is incomplete or inaccurate, or if the Executive Director determines that the statement otherwise fails to comply with any of the requirements of this Article then ~~he or she~~ they shall, ten working days after providing electronic notice via e-mail or directly through the MAEDbS to the person designated in section 1606(a)(2)(B) of this Article, remove the appliance from the MAEDbS described in section 1606(c) of this Article.

(g) Electronic Filing.

(3) At any time the Executive Director may forbid electronic filings by any person, or generically, and may remove affected appliance models from the MAEDbS, if ~~he or she~~ the **Executive Director** finds that an applicable requirement of this Article is not being met.

(h) Trade Association Directories.

(3) If the Executive Director takes action under sections 1606(b)(3)(A) or (B), or 1608(c), (d), or (e) of this Article, ~~he or she~~ they shall direct that all trade association directories be modified accordingly.

Note: Authority cited: Sections 25213, 25218(e), 25401.9, 25402(a)-25402(c) and 25960, Public Resources Code; and Sections 16, 26 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25401.9, 25402(a)-25402(c), 25402.5.4 and 25960, Public Resources Code; and Section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Section 1608. Compliance, Enforcement, and General Administrative Matters.

(b) Appliances Not in the MAEDbS.

If the Executive Director determines that an appliance requiring certification that is not in the MAEDbS is being sold or offered for sale in California, ~~he or she~~ they shall take appropriate legal action to restrain and discourage such sale or offering, including, but not limited to testing units of the appliance at the manufacturer's cost and seeking appropriate judicial action.

(c) All Appliances: Submittal of Reports of Manufacturers' Certification Testing.

(1) For any appliance, the Executive Director may at any time request from a manufacturer a copy of the test report that describes the results of the testing that was performed pursuant to section 1604 of this Article and that provides the basis for the information submitted

under section 1606(a)(3)(C) of this Article. The request shall be sent to the e-mail address designated in section 1606(a)(2)(B) of this Article. If the Executive Director includes with the request information that, in ~~his or her~~their opinion, constitutes substantial evidence that the appliance or the manufacturer is not in compliance with an applicable provision of this Article, or that the energy or water performance of the appliance is not as certified under section 1606(a)(3)(C) of this Article or is not as required by an applicable standard in section 1605.1, 1605.2, or 1605.3 of this Article, then the manufacturer shall provide a copy of the applicable test report to the Executive Director within 5 days of the manufacturer's receipt of the request.

(d) Inspection by the Executive Director of Appliances Subject to Energy Design and Water Design Standards and Marking Requirements.

(2) Inspection of an appliance shall consist of inspection of one unit.

(B) If the inspection indicates that the unit does not comply with an applicable energy or water design standard or as applicable marking requirement, the Energy Commission shall undertake a proceeding pursuant to Sections 11445.10-11445.60 of the California Government Code (or, at the manufacturer's option, pursuant to Sections 11425.10-11425.60 of the California Government Code). If the Energy Commission confirms the Executive Director's determination, then ~~he or she~~they shall remove the appliance from the MAEDbS.

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-(c) and 25960, Public Resources Code. Reference: Sections 25216.5(d), 25402(a)-(c) and 25960, Public Resources Code.

Section 1609. Administrative Civil Penalties.

(c) Notices of Violation.

The Executive Director, or ~~his or her~~their designee, shall send a written Notice of Violation by certified mail (registered mail to non-U.S. destinations) or other means that provide actual notice to the person in violation of this Article. The Notice of Violation shall contain the following information:

Note: Authority cited: Sections 25213, 25218 and 25402.11, Public Resources Code. Reference: Sections 25402 and 25402.11, Public Resources Code.

Article 5. Load Management Standards

Section 1622. Residential Load Management Standard.

(g) Executive Director's Report. Within two months of receipt of the utility's second Progress Report, the Executive Director shall submit to the Commission a Report on that utility's peak load cycling program, which contains the following information:

(1) ~~His~~**The Executive Director's** evaluation of the information contained in the utility's two Progress Reports, including the recommendations set forth in the second Progress Report; and

(2) ~~His~~**The Executive Director's** recommendations with respect to the expanded implementation or termination of remote load switching for each of the two kinds of appliances which are subject to this standard.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Section 25403.5, Public Resources Code.

Section 1625. Non-Residential Load Management Standard.

(b) Plans for Commercial Customers. No later than one year after this standard becomes effective, the utility shall submit an Energy Conservation Plan for Small Commercial Customers, and, no later than six months after this standard becomes effective, the utility shall submit an Energy Conservation Plan for Large Commercial Customers. In these plans, the utility shall describe in detail how it intends to implement commercial load management programs, shall provide a schedule for implementation of these programs, and shall indicate how it intends to report on the success of these programs. Review and approval of these Plans shall be carried out in accordance with the provisions of Section 1621(d). The utility shall implement its Plans in accordance with the schedules contained in the Plans, as soon as the Commission has approved the plans and the rate-approving body has approved a method for recovering the costs of these programs.

(1) Plan for Large Commercial Customers. With the exception of paragraphs (iv), (v) and (vi), which are optional, the plan shall contain all of the elements described below. It shall also contain the service area inventory, the service area energy index and a priority sequence, or it shall contain an alternative method for determining the order in which the utility will conduct Energy Conservation Surveys. Any such alternative method shall be described in detail in the Plan and shall indicate how either the least energy-efficient customers or the customers with the greatest energy-saving potential are surveyed first.

(vi) Priority Sequence -The utility shall determine the order in which it will conduct Energy Conservation Surveys. It shall utilize a method that considers how efficiently a customer uses energy, or it shall multiply each large commercial customer's conditioned space (in square feet) by the number of Btu's per square foot (if any) by which the customer exceeds **his** service area energy index. The utility shall then rank, in descending order of excess, those customers which exceed the index. It shall rank customers whose energy use does not exceed the index in descending order of their gross energy use. This ranking establishes the priority sequence.

(d) Energy Conservation Surveys for Large Commercial Customers. The utility or its contractor shall conduct Energy Conservation Surveys for large commercial customers cooperating in the program in descending order of priority sequence. The utility shall begin the surveys as soon as the Commission has approved its Plan for such customers and the utility's rate-approving body has approved a method for recovering the costs of the program. It shall complete these surveys within 36 months after it begins the surveys.

Each Survey shall review the end-uses of electricity at a specific site. It shall identify ways by which the customer can reduce both **his** total electricity use and **his** electricity demand during the peak period. Each survey shall as a minimum consider lighting, hot water, heating-ventilating, and cooling-ventilating.

(e) Survey Report. Within 30 days after it has completed an Energy Conservation Survey, the utility or its contractor shall provide the customer with a written report.

This report shall recommend ways in which the customer can shift loads to non-peak hours and save energy, and shall estimate how much money the customer would save should **he** implement the recommendations. The report shall indicate how the customer might take part in existing or potential utility-conducted load cycling programs, and how **he** may use solar energy techniques, cogeneration, or other load shifting or load diminishing measures. The report shall also show where further study by other experts might help **him** save still more energy and money.

The utility will retain a copy of the report, related papers and forms. It will keep these records available for review by the Executive Director, pursuant to Section 1621(e). The Executive Director shall conduct an annual review of quality of utility Surveys.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25403.5 and 25406, Public Resources Code.

Article 8. California Home Energy Rating System Program

Section 1673. Requirements for Providers.

(a) Training and Certification Procedures for Raters. Each Provider shall conduct the following Rater training and certification procedures.

- (7) The Provider shall require each applicant to take an Energy Commission-approved written and practical test that demonstrates ~~his or her~~their competence in all subjects specified in Section 1673(a)(1). The Provider shall retain all results of these tests for five years from the date of the test.

- (i) Quality Assurance. Each Provider shall have a quality assurance program that provides for at least the following:

- (3) Quality Assurance for California Whole-House Home Energy Raters and California Field Verification and Diagnostic Testing Raters.

- (C) These evaluations by the Provider's Quality Assurance personnel shall be documented in the Provider's database and include the results of all testing performed by the Provider's Quality Assurance personnel. If the Provider's Quality Assurance personnel determine that the Rater's results did not meet the criteria for truth, accuracy, or completeness of these regulations, then the Provider shall report the quality assurance failure on the Provider's Rater registry and Building Performance Contractor registry websites for a period of six months. In addition, the Provider's Quality Assurance personnel shall evaluate two additional ratings of the failed measure by the same Rater performed in the past 12 months. If a second deficiency is found, then the Rater shall have two percent (rounded up to the nearest whole number) of ~~his~~their ratings of the failed measure evaluated for the next 12 months by all Providers. The Provider's Quality Assurance Manager shall notify other Providers in writing or by electronic mail of Raters that are required to have additional quality assurance verification as required by this provision.

Note: Authority cited: Sections 25213 and 25942, Public Resources Code. Reference: Section 25942, Public Resources Code.

Chapter 5. Power Plant Site Certification

Article 1. General Provisions Applicable to Notices of Intent and Application for Certification

Section 1709. Filing of Notices of Intent and Applications for Certification; Data Adequacy Review and Docketing.

(b) No later than 30 days after the receipt of a non-geothermal notice or application and no later than 20 days after receipt of a geothermal notice or application for certification, the executive director shall file ~~his or her~~their recommendation on whether the notice or application for certification contains the information required under section 1704 and is therefore complete.

Note: Authority cited: Section 25213 and 25541.5, Public Resources Code. Reference: Sections 25211, 25502, 25504, 25516.6, 25520, 25522, 25540.1, and 25540.2, Public Resources Code.

Section 1709.8. Withdrawal of Notice or Application.

(b) Upon receipt of a properly executed withdrawal, the presiding member, or if there is none, the Chair~~man~~, shall immediately issue a written order to terminate the notice or application proceeding and close the docket. The records and documents of the proceeding shall continue to be maintained by the Docket Unit.

Note: Authority cited: Section 25213, Public Resources Code. Reference: Section 25216.5, Public Resources Code.

Section 1715. Reimbursement of Local Agencies.

(c) Procedure for approving reimbursement budgets.

(1) To be eligible for reimbursement, a local agency must receive a request for review from the Chair~~man~~, Presiding Member, or Executive Director.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25538, Public Resources Code.

Article 2. Procedures for Considering Notices of Intention to File an Application for Certification

Section 1727. Final Report and Proposed Decision Hearings.

(b) The chair~~man~~ or the presiding member may require that all statements by parties and other persons be filed in writing in advance of the hearings. No new or additional evidence shall be considered at the hearings under this section unless the commission or the assigned committee adopts a motion to reopen the evidentiary record. In such case, the commission

or the assigned committee shall afford such notice to the parties as appears fair and reasonable under the circumstances, but in no event shall such notice be given less than ten days prior to the hearings.

Note: Authority cited: Sections 25218(e) and 25541.5, Public Resources Code. Reference: Sections 25515, 25516.1, 25516.5, and 25516.6, Public Resources Code.

Article 3. Procedures for Considering Applications for Certification

Section 1747. Hearing on Presiding Member's Proposed Decision.

(b) The chairman may require that certain statements by parties and other persons be submitted in writing in advance of the hearings. The commission shall not consider new or additional evidence at the hearings under this section unless due process requires or unless the commission adopts a motion to reopen the evidentiary record. In such case, the commission shall afford such notice to the parties as is fair and reasonable under the circumstances.

Note: Authority cited: Sections 25218(e) and 25541.5, Public Resources Code. Reference: Section 25522, Public Resources Code.

Article 3.1. Post-Certification Activities

Section 1770. Compliance Verification.

(d) The verification provisions in a siting decision are intended to verify compliance with the actual conditions of certification. The staff, after notice to the licensee, may modify the verification provisions as necessary to enforce the conditions of certification without requesting an amendment to the decision, provided that the verification change does not conflict with the conditions of certification. If a licensee or any other person objects to the modification, ~~he or she~~ they shall be entitled to a public hearing on the matter before the Commission.

Note: Authority cited: Section 25213, 25218(e) and 25541.5, Public Resources Code. Reference: Sections 25523, 25525, 25532, 25534, Public Resources Code.

Article 4. Additional Provisions Applicable to Geothermal Notices and Applications

Section 1867. Commission Action on Petition.

(a) Within twenty (20) days of the filing of a petition pursuant to Section 1861, the executive director shall determine whether the petition contains the information specified in Section 1862.

(1) If the executive director determines that the petition is complete, ~~he or she~~they shall so certify in writing and shall inform the petitioner.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25540.5, Public Resources Code.

Chapter 6. Environmental Protection

Article 2. Designation of Transmission Corridor Zones

Section 2323. Review and Acceptance of Application.

(b) No later than 30 days after receipt of an application, the executive director, based on the staff's review, shall submit ~~his or her~~their recommendation to the commission as to whether the application contains the information specified in section 2321 and is, therefore, complete.

Note: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25331, Public Resources Code.

Chapter 7. Administration

Article 2. Disclosure of Commission Records

Section 2506. Petition for Inspection or Copying of Confidential Records; Chief Counsel Decision.

(b) Delegation of Commission Decision to the Chief Counsel.

(4) The Chief Counsel shall base ~~his or her~~their decision on whether the entity seeking to maintain the confidentiality of the record has met its burden of proof in demonstrating that

confidentiality is warranted under the California Public Records Act, and that, considering all the facts and circumstances, the record should be kept confidential.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. References: Section 25223, 25322 and 25366, Public Resources Code; Sections 6250 et seq., Government Code; and Bakersfield City School District v. Superior Court (2004) 118 Cal.App.4th 1041.

Section 2507. Disclosure of Confidential Records.

(e) Unless an application for confidentiality is granted under section 2505(a)(3) specifying a different confidentiality term, data subject to an automatic confidentiality designation under section 2505(a)(5) will remain confidential in accordance with the following timelines:

(3) Fuel price data provided pursuant to subdivision (d) of Section 1308 of Article 1 of Chapter 3 may be released no sooner than 5 years from the ~~date~~date of submittal.

(g) The Executive Director may release records previously designated as confidential in either of the following circumstances:

(3) under any other circumstance where the information is no longer entitled to confidential treatment. When the Executive Director plans to release such information, ~~he or she~~they shall provide notice to the filer of the information, who may, within fourteen days, request that the Commission prohibit the release of the information. During that time, the records shall not be available for inspection or copying. If the filer makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25322 and 25366, Public Resources Code.

Section 2510. Delegation of Authority and Responsibilities.

The Executive Director may delegate any of ~~his or her~~their authorities or responsibilities under this Article to any Division Chief.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code and Section 6253(a), Government Code. Reference: Section 25223, Public Resources Code.

Article 3. Role of Public Adviser

Section 2554. The Adviser's Duty to Refrain from Advocating Substantive Position.

In performing duties to the commission, including those duties discharged by advising the public, the adviser shall not represent any members of the public, nor shall ~~he~~they advocate any substantive position on issues before the commission.

Note: Authority cited: Sections 25213, 25218(e) and 25218(f), Public Resources Code. Reference: Sections 25217, 25217.1, 25217.5, 25222, 25223 and 25519(g), Public Resources Code.

Section 2555. The Adviser's Duty Within the Commission

- (b) In recommending to the commission measures to assure full public participation in the commission's proceedings, the adviser shall render ~~his or her~~their independent advice on commission procedures that in the adviser's view will provide the optimum of public participation to benefit the commission in its work. As part of such advice, the adviser may advocate points of procedure that in the adviser's view will improve public participation in the commission's proceedings.
- (c) So that the adviser may ensure that timely and complete notice of commission proceedings is disseminated to members of the public, ~~he or she~~they shall examine all notices of commission proceedings and shall present to the executive director any recommendations for improving the accuracy and timeliness of such notices.

Note: Authority cited: Sections 25213, 25218(e) and 25218(f), Public Resources Code. Reference: Sections 25217, 25217.1, 25217.5, 25222, 25223 and 25519(g), Public Resources Code.

Section 2556. The Adviser's Duties in Advising Members of the Public.

The adviser shall be available to any member of the public with an interest in participating in the commission's proceedings. In advising members of the public on effective means of participating in the commission's proceedings, the adviser shall render ~~his or her~~their independent advice to a member of the public that in the adviser's view will provide the most effective participation of that member. Specifically, the adviser shall:

- (a) Respond to all inquiries ~~he or she receives~~received from members of the public for information on the commission's agenda and opportunity for participation in the commission's proceedings.

Note: Authority cited: Sections 25213, 25218(e) and 25218(f), Public Resources Code. Reference: Sections 25217, 25217.1, 25217.5, 25222, 25223 and 25519(g), Public Resources Code.

Chapter 13. Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities

Section 3201. Definitions.

(o) "Executive Director" means the Executive Director of the Commission, or ~~his or her~~their designee.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 399.30, Public Utilities Code. Reference: Sections 25741 and 25747, Public Resources Code; and Section 399.30, Public Utilities Code.

Section 3204. RPS Procurement Requirements.

(d) Long-term procurement requirement

(2) Electricity products will be classified as long-term or short-term based on the contracts, ownership, or ownership agreements through which they are procured. For the purpose of this section 3204 (d), long-term procurement refers to procurement from long-term contracts, ownership, or ownership agreements, subject to the following:

(K)~~(I)~~ Excess procurement that was accrued in accordance with the requirements of section 3206 (a)(1)(C) or section 3206 (a)(1)(I)3. and applied to the RPS procurement target for a compliance period beginning on or after January 1, 2021, shall be classified as long-term without regard to the requirements of section 3204 (d)(2)(A)-(G).

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 399.30, Public Utilities Code. Reference: Sections 399.13, 399.16, 399.18, 399.30, and 399.33, Public Utilities Code.

Section 3207. Compliance Reporting for POU.

(c) By July 1 of each year, each POU shall submit an annual report to the Commission that includes the information in section 3207 (c)(1)-(4) for the prior calendar year. The format for the annual report shall be specified by the Commission, but the information contained in the annual report may be combined with other existing reports that contain the same information and are also supplied to the Commission. If the annual report refers to information provided to the Commission through existing reports, the annual report shall reference the information by identifying the name, submittal date, and page number of the existing report. The annual report shall include an attestation, signed by an authorized agent of the POU, affirming that the information provided in the report is true and correct.

(5) Review of long-term contracts

(A) Voluntary requests for early review

4. To the extent possible, the Executive Director, or ~~his or her~~their designee, shall issue the determination within ninety (90) days of submission of a complete request by the POU. Failure to meet the 90-day deadline does not constitute a determination that the contract qualifies as long-term.

5. The Executive Director, or ~~his or her~~their designee, may request additional information from the POU, if necessary, to determine if the contract meets the requirements of section 3204 (d)(2)(A)-(C).

(C) A POU may request reconsideration of an Executive Director determination under section 3207 (c)(5)(A) or a staff determination under section 3207 (c)(5)(B) by filing a petition for reconsideration to the Commission within 30 calendar days of issuance of the determination. The petition for reconsideration shall be filed and processed in a manner consistent with a request for investigation pursuant to sections 1231 - 1232.5.

2. If the long-term contract determination was made by the Executive Director, or ~~his or her~~their designee, under section 3207 (c)(5)(A) or in conjunction with staff under section 3207 (c)(5)(B), the petition for reconsideration shall be filed with the Executive Director, who shall submit the request to the Commission Chair for review in a manner consistent with section 1232.5.

(p) Incorrect, incomplete, or missing reports.

(1) If the Executive Director determines a report submitted by a POU pursuant to this section is incorrect or incomplete, or if the POU did not submit a report by the deadline, ~~he or she~~ **the Executive Director** shall issue a written notice to the POU specifying what information is missing or needs to be corrected in the report or, in the case of an unsubmitted report, that the report is past due. If a POU submits the missing or correct information or a complete report to the Commission within ten (10) business days of receipt of such notice, or such later date as specified in the notice, the POU's initial failure to submit a complete and correct report by the reporting deadline shall not be processed as a separate violation under these regulations. Written notices issued pursuant to this subdivision may include e-mail or other written communications.

(2) A POU may request an extension of time to submit the missing or correct report information or the missing report specified in the written notice issued by the Executive Director. Such a request for an extension of time must be received by the Commission no later than the date the missing or correct information or missing report is due to the Commission as specified in the Executive Director's written notice. The Executive Director shall act on a request for an extension of time within five business days after it is received by the Commission and may grant an extension of time of up to 30 calendar days from the date the missing or correct report information or missing report is due under the written notice if ~~he or she finds~~ **the Executive Director finds** that there is good cause for an extension. The POU's initial failure to submit a complete and correct report shall not be deemed a separate violation under these regulations if the Commission receives the complete or correct report information or missing report by the date specified in the extension. In determining whether good cause exists for purposes of this subdivision, the Executive Director may consider, without limitation, the following factors:

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Sections 399.30 and 9508, Public Utilities Code. Reference: Section 25747, Public Resources Code; and Sections 399.13, 399.15, 399.16, 399.18, 399.30, 399.33, 9507 and 9508, Public Utilities Code.