

DOCKET

09-AAER-1C

DATE NOV 18 2009

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STATE OF CALIFORNIA

ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Appliance Efficiency Regulations)

Docket No. 08-AAER-1C

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Order Number 09-1118-13

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ORDER ADOPTING REGULATIONS AND DIRECTING ADDITIONAL RULEMAKING ACTIVITIES

I. INTRODUCTION

The California Energy Commission hereby adopts amendments to its Appliance Efficiency Regulations (California Code of Regulations, title 20, Sections 1601 - 1608). We take this action under the authority of, and to implement, interpret, and make specific, Sections 25213, 25216.5(d), 25218(e), and 25402(c) of the Public Resources Code.

On January 15, 2008, the Energy Commission held a scoping workshop in which Pacific Gas and Electric Company (PG&E) presented information on television energy consumption. PG&E then submitted a proposal for television efficiency standards on January 30, 2008.

On July 16, 2008, and December 15, 2008, pursuant to Government Code section 11346.45, the Energy Commission held two workshops during which parties that would be subject to the proposed television standards¹ were allowed to provide information on the proposal.

On September 18, 2009, the Energy Commission published a Notice of Proposed Action (NOPA) and made available to the public the Express Terms of the proposed amendments, along with an Initial Statement of Reasons (ISOR) that summarized and explained the rationale for the proposed amendments. The Commission also prepared the legally-required fiscal and economic analysis of the proposed regulations.

The proposed regulations would amend the standards adopted on January 1, 2006, regarding the operation of televisions in standby-passive mode. The proposed standards revise the existing 3 watts standby-passive mode power usage standard to a 1 watt standard, add an efficiency standard for maximum active mode power usage, and add a requirement that all televisions that use equal to or greater than 100 watts of power meet a 0.9 power factor standard.

The NOPA was provided to every person on the Energy Commission's appliance mailing lists for Consumer Audio and Video Equipment, the Commission's Appliance Listserv, and to

¹ The terms "proposed television standards," "proposed standards," "proposed amendments," and "proposed regulations" are used interchangeably throughout this Order.

every person who had requested notice of such matters. The NOPA, the ISOR, and the Express Terms were also posted on the Energy Commission's website.

On October 13, 2009, the Energy Commission's Efficiency Committee held a public hearing, pursuant to Government Code section 11346.8, to accept both oral and written comments on the proposed television standards.

The Energy Commission received comments on the proposed regulations throughout the mandatory 45-day comment period, which ended on November 2, 2009.

On November 4, 2009, the Energy Commission continued the hearing to consider adoption of the proposed television regulations from that day to November 18, 2009, to give full consideration to the large number of comments received on November 2, 2009. None of those comments, and nothing else in the record, justified any changes to the Express Terms.

II. FINDINGS

Based on the entire record for Docket No. 09-AAER-1C, the Energy Commission finds as follows:

A. The Warren-Alquist Act. The adopted regulations:

- (1) prescribe minimum efficiency levels for televisions;
- (2) require efficiencies that are necessary to save a significant amount of energy on a statewide basis;
- (3) require efficiencies that are feasible and attainable; and
- (4) do not result in any added total costs to the consumer over the designed life of the appliances concerned.

B. The Administrative Procedure Act. The adopted regulations:

- (1) will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states;
- (2) will not create or eliminate a significant number of jobs in California;
- (3) will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California;
- (4) will not impose costs on private persons;

- (5) will impose no direct costs or direct or indirect requirements on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of the Government Code;
- (6) will result in no costs or savings in federal funding to the State of California;
- (7) will have no significant impact on housing costs;
- (8) will have no significant adverse effect on businesses in general or small businesses in particular;
- (9) will have no significant costs that a representative person or business would incur in compliance; and
- (10) have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes.

C. The Consumer Electronics Association submitted a very lengthy document on November 2, 2009. We have reviewed those comments, along with all the other material in the record, and have concluded that none justify changes to the Express Terms that were published on September 18, 2009.

III. ADOPTION OF NEGATIVE DECLARATION FOR DOCKET 09-AAER-1C

The Energy Commission finds, on the basis of the whole record before it, including but not limited to the Initial Study (September 2009 CEC-400-2009-014) prepared for Docket 09-AAER-1C, and all public comments, that (1) there is no substantial evidence that the adoption of the September 18, 2009, Express Terms will have a significant effect on the environment, and (2) that the Negative Declaration reflects the Commission's independent judgment and analysis. The Energy Commission hereby adopts the Negative Declaration and Initial Study (September 2009 CEC-400-2009-014).

IV. ADOPTION OF PROPOSED AMENDMENTS FOR DOCKET 09-AAER-1C

The Energy Commission, after considering the entire record, including but not limited to the adopted Initial Study and Negative Declaration, and all relevant public comments, hereby adopts the Express Terms as published on September 18, 2009.

V. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Energy Commission continues in effect its delegation to the Efficiency Committee the authority to take, on behalf of the Energy Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to (1) incorporating any changes

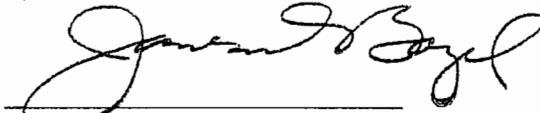
approved at the November 18, 2009, hearing into the final Express Terms submitted to the Office of Administrative Law (OAL); (2) making any appropriate non-substantive, editorial-type changes; and (3) preparing and filing all appropriate documents, such as the Final Statement of Reasons with OAL and the Notice of Determination to the State Clearinghouse.

November 18, 2009

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



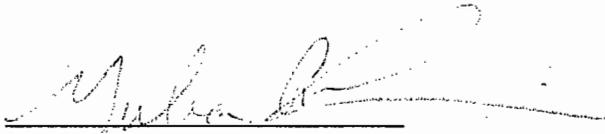
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