

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-FDAS-01
<b>Project Title:</b>	Pool Controls Rulemaking
<b>TN #:</b>	248923
<b>Document Title:</b>	Notice of Proposed Action (NOPA) for Pool Controls Regulation
<b>Description:</b>	A public hearing for the proposed regulatory changes to the flexible demand standards for pool controls will be held on Tuesday, April 11, 2023.
<b>Filer:</b>	Amber Beck
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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**CALIFORNIA ENERGY COMMISSION**

715 P Street  
Sacramento, California 95814

[energy.ca.gov](http://energy.ca.gov)

CEC-057 (Revised 1/21)

**NOTICE OF PROPOSED ACTION**

2023 Flexible Demand Appliance Standards for Pool Controls

Docket No. 23-FDAS-01

**Notice Published on February 24, 2023**

**INTRODUCTION**

Notice is hereby given that the California Energy Commission (CEC) proposes to adopt a new Chapter 4.1, Article 1 and the following new sections 1690, 1691, 1692, 1693, 1694, 1695, 1696, and 1697 into Title 20, the California Code of Regulations (CCR) ("the Proposed Action"), related to flexible demand appliance standards (FDAS) generally and to pool controls specifically, after considering all comments, objections, and recommendations, regarding the Proposed Action.

**PUBLIC HEARING**

The CEC staff will hold a public hearing for the proposed regulatory changes at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulatory changes at the public hearing. *The record for this hearing will be kept open until every person attending has had an opportunity to provide comment.*

**Tuesday April 11, 2023**

10:00 a.m. (Pacific Time)

The public hearing will be held remotely to improve and enhance public access to meetings allowing broader access through teleconferencing options. Instructions for remote participation for the public hearing are below.

**REMOTE ATTENDANCE**

The public hearing may be accessed by clicking the Zoom link below or visiting Zoom at <https://join.zoom.us> and entering the ID and password below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Office of the Public Advisor, Energy Equity and Tribal Affairs at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov) or by phone at (916) 654-4489 or toll free at (800) 822-6228.

Link:

<https://energy.zoom.us/j/88678978298?pwd=Mkp1NW02ckJ3anR1SnNlV3k4UnJpdz09>

Webinar ID: 886 7897 8298

Passcode: 401667

To participate by telephone dial (213) 338-8477 or (888) 475-4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

## **PUBLIC ADVISOR**

The CEC’s Office of the Public Advisor, Energy Equity and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Office of the Public Advisor, Energy Equity and Tribal Affairs via email or phone.

## **NEWS MEDIA INQUIRIES**

Direct media inquiries to the Media and Public Communications Office to (916) 654-4989 or by email at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

## **PUBLIC COMMENT PERIOD**

The written public comment period for the proposed regulations will be held from **February 24, 2023, through April 10, 2023**. Any interested person, or their authorized representative, may submit written comments to the CEC for consideration on or prior to **April 10, 2023**. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. The CEC may, but is not required to, respond to untimely comments, including those raising significant environmental issues.

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 encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls> 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 Title 20, CCR, section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 23-FDAS-01 in the subject line and email to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

A paper copy may be sent to:

California Energy Commission  
Docket Unit  
Docket No. 23-FDAS-01  
715 P Street, MS-4  
Sacramento, CA 95814

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.

To ensure you receive notice of any changes to the proposed regulatory changes in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding email subscriber list or provide a valid email or mailing address with your comments.

#### **STATUTORY AUTHORITY AND REFERENCE**

Authority cited: Sections 25213, 25218, 25402(f), and 25402.11, Public Resources Code. Reference: Sections 25216.5(d), 25402(f), and 25402.11, Public Resources Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Warren-Alquist Act establishes the CEC as California's primary energy policy and planning agency. Since 1976, the CEC has adopted cost-effective and technically feasible appliance standards that set a minimum level of energy or water efficiency, as part of the CEC's mandate to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

In 2019 the California Legislature passed Senate Bill 49 (SB 49, Skinner, Chapter 697, Statutes of 2019) granting the CEC with new authority to develop standards for flexible demand technologies to reduce greenhouse gas (GHG) emissions from electricity generation. Flexible demand technologies enable an appliance to schedule, shift, or curtail the electrical demand with the consumer's consent. The CEC has identified pool controls, a device that sets the daily schedule of the pool filter pump, pool heater, chlorinator, and pressure cleaner booster pump, as an ideal candidate for the first of California's flexible demand appliance standards.

Therefore, the CEC proposes to adopt a new Chapter 4.1, Article 1 to Title 20 for flexible demand appliance standards. The proposed additions to Title 20 would adopt

provisions specifically applicable to pool controls and general provisions that will apply to this and future FDAS. The proposed pool control standards will require all pool controls to have a default schedule for the operation of pool equipment and internet connectivity to enhance flexible demand capabilities.

### **Difference from existing comparable federal regulation or statute**

The CEC has determined that there are no existing comparable federal regulations or statutes.

### **Broad objectives of the proposed regulations and the specific benefits anticipated by the proposed regulations**

The broad objective of the proposed regulations is to carry out the CEC's statutory mandate in SB 49 to develop standards for flexible demand technologies to reduce GHG emissions from electricity production.

The specific benefits of the proposed regulations are utility cost savings to the consumer, lower statewide energy use, and enhanced reliability of the electrical grid. The proposed standards are cost-effective, technically feasible, and would avoid GHG emissions associated with electricity production by 394,000 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) in 2033, at full stock turnover. The standards would shift 64 gigawatt-hours (GWh) of electricity off peak during the first year the standard is in effect and 682 GWh of electricity during the year at full stock turnover. Consumers will save an estimated \$1,131 per appliance over the life of the device by shifting the time of electricity use. The proposed regulations should also enhance the reliability of the electrical grid by shifting electricity demand.

### **Determination of inconsistency or incompatibility with existing state regulations**

California does not currently have regulations for flexible demand appliance standards in the California Code of Regulations. Therefore, the CEC has determined that the proposed regulations which would adopt general provisions applicable to FDAS and specific requirements for pool controls would not prevent compliance with existing state regulations and are neither inconsistent nor incompatible with any other existing state regulations.

### **DOCUMENTS INCORPORATED BY REFERENCE**

None

### **MANDATED BY FEDERAL LAW OR REGULATIONS**

None

### **OTHER STATUTORY REQUIREMENTS**

None

## **FISCAL IMPACTS**

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: None
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None
- Cost or savings to any state agency: None
- Non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in Federal funding to the state: None

## **SIGNIFICANT EFFECT ON HOUSING COSTS**

None

## **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES**

The CEC has made an initial determination that the proposed regulations will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This determination is supported by the detailed savings and cost analysis performed by staff and contained in the Staff Report available in the proceeding's docket, *Staff Report: Analysis of Flexible Demand Standards for Pool Controls*. CEC Publication Number: CEC-400-2023-001. The Staff Report utilizes information obtained by a variety of sources including industry, the Department of Energy, and California utilities.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The CEC concludes that: (1) the proposal will create jobs within California, (2) the proposal will eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state.

The benefits of the proposed regulations are utility cost savings to the consumer and lower statewide energy use. The proposed standards are cost-effective, technically feasible, and would avoid GHG emissions associated with electricity production by 394,000 metric tons of CO<sub>2</sub>e in 2033, at full stock turnover. The standards would shift 64 GWh of electricity off peak during the first year the standard is in effect and 682 GWh of electricity during the year at full stock turnover. Consumers will save an estimated \$1,131 per appliance over the life of the device by shifting the time of electricity use. The proposed regulations should also enhance the reliability of the electrical grid by shifting electricity demand.

The proposed regulation will not adversely impact the health and welfare of California residents, worker safety, or the state's environment.

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

The CEC is not aware of any significant cost impacts that a representative person or business would necessarily incur in reasonable compliance with the Proposed Action.

The proposed regulations do not create the need for a new good or service. Instead, they require the improvement of existing goods in the market. The economic impact on business is expected to be small compared to the total sales, and insufficient to have an adverse economic impact affecting business. The CEC assumes that manufacturers will pass the incremental cost to meet the requirements onto the businesses involved in the distribution and sales, which in turn will then pass the cost on to the consumers. However, the savings from lower utility bills over the lifetime of the appliance exceeds the incremental costs.

An individual will incur an incremental cost for a purchase of a compliant pool control. However, this is a one-time expense with no annual ongoing costs and consumers on time of use (TOU) rates would save in electric utility bills over the expected life of the appliance.

## **BUSINESS REPORT**

The proposed regulations would impose new data reporting requirements on manufacturers of flexible demand appliances.

The proposed regulations would require manufacturers to certify each model of appliance within the scope of the regulations to the CEC's flexible appliance database by submitting data about each appliance model indicating how it meets the requirements of the proposed regulations. Certifying a model as compliant with the flexible demand standards would allow effective enforcement by providing regulators with a list of products that could be legally sold or offered for sale, rented, imported, distributed, or leased for use in California. Certifying would also allow customers, distributors and retailers to verify that products can be legally sold prior to sale.

It is necessary for the health, safety, or welfare of the people of the state, that these regulations, which require a report, apply to businesses.

## **EFFECT ON SMALL BUSINESS**

The proposed regulations will affect small business. However, the initial and ongoing costs to small businesses are the same as the costs for a typical business. Small businesses that will be affected are those that sell flexible demand appliances such as retail home appliance stores, pool supply companies, and small retailers.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the Proposed Action;

or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## **CONTACT PERSON**

Questions should be addressed to:

Corrine Fishman, Regulations Manager  
Efficiency Division  
715 P Street  
Sacramento, CA 95814  
(916) 805-7452  
[corrine.fishman@energy.ca.gov](mailto:corrine.fishman@energy.ca.gov)

OR

Nicholaus Struven  
(916) 805-7458  
[nicholaus.struven@energy.ca.gov](mailto:nicholaus.struven@energy.ca.gov)

## **COPIES OF THE INITIAL STATEMENT OF REASONS (ISOR), THE EXPRESS TERMS, AND RULEMAKING FILE**

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, and the ISOR. Copies may be obtained by contacting Corrine Fishman at the email or phone number above or accessed through the CEC's website at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>

## **AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS**

Participants should be aware that any of the proposed regulations could be changed as a result of public comment, staff recommendation, or recommendations from commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

## **COPY OF THE FINAL STATEMENT OF REASONS**

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by contacting the person above or by

visiting the CEC's website at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>

### **INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING**

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed please subscribe to the **Appliance email subscription list**, which can be accessed here:

<https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>. The subscription list sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the subscription list but still would like to receive documents and notices, please contact the contact person listed in this notice.