

**State of California
Office of Administrative Law**

In re:
California Alternative Energy and Advanced
Transportation Financing Authority

Regulatory Action:

Title 04, California Code of Regulations

Adopt sections:

Amend sections: 10092.1, 10092.7

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

Government Code Sections 11346.1 and
11349.6

OAL Matter Number: 2025-0917-01

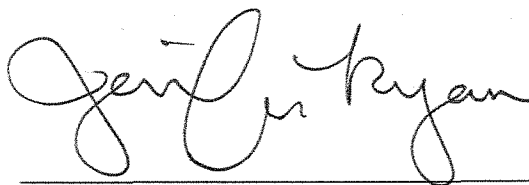
OAL Matter Type: Emergency (E)

This emergency rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority ("Authority") is a deemed emergency pursuant to Public Resources Code section 26009. The Authority seeks to amend regulations to approve eligible financing for the reconstruction of existing buildings destroyed in whole or in part by a natural disaster.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 9/29/2025 and will expire on 3/31/2026. The Certificate of Compliance for this action is due no later than 3/30/2026.

Date: September 29, 2025



Jenifer Ryan
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Christina Sarron, Executive
Director

Copy: Jonathan Verhoef

NOTICE PUBLICATION/REGULATION

STD. 400 (REV. 10/2019)

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2025-0917-01	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Advanced California Alternative Energy and Transportation Financing Authority		PER AGENCY REQUEST JR	
AGENCY FILE NUMBER (If any)			

ENDORSED - FILED
In the Office of the Secretary of State
of the State of California

SEP 29 2025
1:52 PM AR

OFFICE OF ADMIN. LAW
2025 SEP 17 AM 9:45

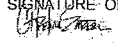
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Commercial Energy Efficiency Financing Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 4		AMEND 10092.1; 10092.7	
		REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ File & Print ☐ Print Only			
☒ Emergency (Gov. Code, §11346.1(b)) ☐ Other (Specify)			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☒ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal			
☐ Other (Specify)			
7. CONTACT PERSON Jonathan Verhoef		TELEPHONE NUMBER (916) 809-4637	
		FAX NUMBER (Optional)	
		E-MAIL ADDRESS (Optional) jverhoef@sto.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

DocuSigned by:
SIGNATURE OF AGENCY HEAD OR DESIGNEE

TYPED NAME AND TITLE OF SIGNATORY
Christina Sarron, Executive Director

DATE
9/16/2025

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 29 2025

Office of Administrative Law

CALIFORNIA CODE OF REGULATIONS
Title 4. Business Regulations
Division 13. California Alternative Energy and Advanced Transportation Financing Authority

CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED
TRANSPORTATION FINANCING AUTHORITY
REGULATIONS IMPLEMENTING
THE COMMERCIAL ENERGY EFFICIENCY FINANCING PROGRAM

For section 10092.1:

Section 10092.1. Definitions.

[subsections (a) through (t) remain unchanged]

(u)“Eligible Financing Agreement”: An agreement made between a Finance Provider Entity and an~~Eligible Commercial Financing Customer to finance a Project.~~~~The agreement may not be for the~~~~construction or purchase of a building.~~~~The agreement must meet the definition of either an Eligible Lease~~~~or Eligible Equipment Financing Agreement, Eligible Loan, Eligible Service Agreement, or Eligible~~~~Savings-Based Payment Agreement. The Eligible Financing Agreement must meet the requirements~~~~specified in Section 10092.5(b).~~“Eligible Financing Agreement”: An agreement made between a Finance Provider Entity and an Eligible Commercial Financing Customer to finance a Project. The agreement must meet the definition of either an Eligible Lease or Eligible Equipment Financing Agreement, Eligible Loan, Eligible Service Agreement, or Eligible Savings-Based Payment Agreement. The Eligible Financing Agreement must meet the requirements specified in Section 10092.5(b).

[subsections (v) through (uuu) remain unchanged]

Authority: Section 26006 and 26009, Public Resources Code
Reference: Sections 26002, 26002.5, 26003, 26006, 26011 and 26040,
Publ Resources Code

For section 10092.7:

Section 10092.7. Project Eligibility.

- (a)General Eligibility. Any Project receiving financing through the terms of the Program must~~comply with the following eligibility requirements:~~
- (1)Each Participating Contractor must be enrolled in the Program prior to that Participating~~Contractor’s Scope of Work Completion Date;~~
 - (2)The Eligible Commercial Financing Customer must be provided with a Bill Impact~~Estimate (BIE) by the Participating Contractor, Participating Project Developer, or the~~
 - (3)The Project must have at least one EEM meeting the requirements described in Section~~10092.7(b);~~
 - (4)The cost for non-lighting measures installed utilizing the EEM List Method, described in~~Section 10092.7(b)(1), must not exceed \$350,000;~~
 - (5)Each Participating Contractor must have the proper license(s) relevant to perform it~~Scope of Work;~~

- (6) The Project must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances, including, but not limited to, Title 24 of the California Code of Regulations; ~~and~~
- (7) All permits and approvals required to install each Scope of Work must have been approved or must be in the process of being approved; and
- (8) The Eligible Financing Agreement may not be for:
- (A) The purchase of a building; or
 - (B) New construction of a building except for reconstruction of an existing building that was destroyed, in whole or in part, due to a natural disaster.

[subsections (b) through (d) remain unchanged]

Authority: Section 26006 and 26009, Public Resources Code
Reference: Sections 26002, 26002.5, 26003, 26006, 26011 and 26040,
Public Resources Code