

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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CEC-70 (Revised 2/26)



IN THE MATTER OF:

*Space Conditioning and Water Heating
Equipment Data Reporting*

DOCKET NO. 24-OIR-03

NOTICE OF REQUEST FOR INFORMATION

RE: Energy Data Reporting - Phase 3

Notice of Equipment Data Reporting Request For Information (RFI) Written responses due by July 24, 2026

The California Energy Commission (CEC) is issuing a Request For Information (RFI) on the topic of potential data reporting requirements for residential air conditioning and water heating equipment, including heat pump equipment.

Background

CEC staff [issued two prior RFIs on potential equipment data tracking or reporting regulations. The most recent of these, released on December 22, 2025](#), describes the conversations preceding the current RFI and is available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=268026&DocumentContentId=105039>. The responses to the RFI received by the CEC can be reviewed in the [Energy Data Collection - Phase 3 docket](#) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-03>.

Staff reviewed the submitted materials and drafted a revised set of Express Terms, included in Appendix A of this Notice.

Request for Responses

The CEC is requesting that stakeholders and interested members of the public provide written information and feedback on potential data reporting requirements for air conditioning, water heating, and heat pump equipment delivered to installers. The CEC is interested in information and feedback specifically relating to the Express Terms accompanying this RFI as Attachment A. Proposed amendments to regulation would potentially occur in California Code of Regulations, Title 20, Chapter 3, Data Collection.

Proposed Scope. Following comments received on the draft regulatory text, staff reduced the scope of both equipment types and specific transactions for which reporting would be needed.

Subsection (b), supported by language added to 1396.4(b), now limits data reporting to sales to contractors (noting that “contractor” is defined broadly under California law to include anyone “who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or herself or by or through others” certain types of work). Comments indicated that collection of data from additional steps in the supply chain would likely have diminishing marginal utility while introducing significant added complexity, and staff selected the sale to the installing entity as the single step likely to provide the most utility to policy development and program operation based on related feedback.

Changing the scope to focus on installing entities also allowed for simplification of phrasing via the term “contractor”, resulting in clearer and more direct regulatory language.

Subsection (c) now specifies residential air conditioning and water heating equipment; products that exclusively perform space heating have been removed from the scoping language, and both commercial and industrial types of equipment are also outside the proposed scope. Examination of air conditioning equipment is likely minimally sufficient for providing insight into HVAC contracting and equipment flows as a whole, in part given that nearly all HVAC companies in California advertise themselves as “heating and air” providers. Conversely, the language relating to air conditioning and water heating equipment is intentionally broad, covering the vast majority of permanently installed equipment types used for residential applications.

Staff is therefore interested in answers to the following questions:

1. Is the proposed language sufficiently clear and specific in communicating which sales must be reported? If not, how may it be improved?
2. Should any other categories of equipment be included or excluded, and on what basis?

Definitions. Following the prior RFI and draft regulatory text, staff revised the definitions for consistency with other changes made to the regulatory language. The definitions proposed in the revised regulatory text fall into three broad categories:

- State agency names. “Commission” and “CSLB” are defined to refer to the California Energy Commission and the Contractors State License Board, respectively.

- Equipment definitions. Federal definitions covering air conditioning and water heating equipment are both referenced and reproduced, and clarifying definitions are added for the terms “hydronic”, “non-central” and “outdoor unit”.
- Definitions aligning with other California laws. The term “contractor” is defined to be consistent with the California Business and Professions Code, and the terms “doing business” and “selling” are defined to be consistent with the California Revenue and Taxation Code. The term “equipment” is defined for consistency with various California laws, in that other laws use various terms, such as “fixture” or “appliance”, to refer to the types of products potentially within the scope of data collection.

Staff is therefore interested in answers to the following questions:

3. Are the proposed definitions suitable and appropriate as written? Or, are there ways to improve the proposed language?
4. Are there any additional terms used in the Scope or in subsequent sections that would be appropriate to define in regulation (e.g., where an ordinary understanding or dictionary definition would be vague or insufficient)?

Reporting Periods. Following comments received on the draft regulatory text, staff restructured proposed data reporting to an annual cadence and added language providing a specific effective date. Staff also added language to expressly state the implied truthfulness, completeness and accuracy of information submitted to state agencies.

Staff are still in the process of finalizing cost estimates for proposed requirements, however staff determined that moving to annual reporting reduces estimated total reporting costs compared to the cost estimate in the prior RFI even when assuming an attorney rather than an accountant salary.

Staff is therefore interested in answers to the following questions:

5. Does the proposed effective date provide sufficient lead time for successful completion and submittal of proposed Data Collection Reports? If not, what would be the basis for selection of an alternate initial calendar year?
6. Is there any specific data on costs, such as estimated salary or time to complete, that can be provided to inform or substantiate staff cost estimates?

Data to be Reported. Following comments received on the draft regulatory text, staff revised the proposed data to be reported. Reported data for each sale falls within four categories:

- Data about the equipment. This includes the equipment’s make and model.
- Data about the buyer. This includes the buyer’s name and address, and contractor license or business ID number(s).

- Data about the sale. This includes the quantity sold, and the year and month of the sale.
- Data about the reporting entity. Separate from the submitted report, a section has been added to clearly specify the self-identifying information reporting entities will be expected to provide as a part of the submittal process.

Staff also removed serial numbers owing to concerns of logistical complexity in determining and reporting these numbers, as feedback from industry participants indicates that serial numbers may not be commonly used by or available within distributor inventory control systems. It was also not clear to staff how much of the benefit of serial numbers is not already captured by model numbers – while staff does not dispute that serial numbers are superior for determining chain-of-custody, the actual amount of benefit over similar use of model numbers is currently unclear.

Staff added a field for month of sale to obtain the same policy benefits that would be provided by quarterly reporting. For example, if an incentive program is launched in March of a given year, observing sales figures in April, May and June would provide a clear and specific indication of the success (or lack thereof) of the launched program. This, in turn, enhances the decision-making ability of the CEC and the State as a whole with respect to various programs, goals and initiatives relating to or relying upon space conditioning or water heating equipment.

Staff also added language specifying a preference for company or business names over personal names where both are potentially available, to clarify a question received during development.

Separate from these changes to data submittal requirements, staff added a new section to more clearly distinguish between sales that trigger reporting requirements and those that do not. This reinforces the proposed change in scope to focus on sales to contractors.

Staff also added a new section to provide express language regarding how submitting entities will self-identify. This allows reports to be associated with reporting entities in order to document that reporting obligations are met, provide a means of resolving minor issues in received materials, and prevent unauthorized submittals by outside parties.

Staff is therefore interested in answers to the following questions:

7. Is there a means of using model family groupings that would be appropriate to consider allowing instead of reporting more specific model numbers?
8. Is the language in subsection (b) specifying which sales are to be reported sufficiently clear and specific?
9. Is the submitter self-identification language in subsection (c) sufficiently clear and specific?

Data Access. Following comments received on the draft regulatory text, staff revised and expanded the data access section. Language regarding sharing of masked, aggregated and/or anonymized data has been better aligned with the existing sections of law being referenced. A new section has been

added to expressly limit sharing of non-anonymized data to only necessary circumstances and individuals.

Staff is therefore interested in answers to the following questions:

10. Is the language relating to “masked, aggregated, or anonymized” records sufficiently clear and specific?
11. Does the language in subpart (b) establish an appropriately high bar for data access?

Enforcement. The language in this section states the CEC’s statutory ability to enforce regulations that it adopts. Staff do not have questions about this language owing to its simplicity; feedback relating to this language is welcome.

Additional Feedback. Staff are also interested in any and all feedback on the Express Terms not limited to the specific questions specified above.

Public Comment.

The CEC encourages the use of its electronic commenting system. Visit the e-commenting page for this docket: [Energy Data Collection - Phase 3 docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-03), at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-03>. Enter your contact information and a subject title that describes your comment. Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document in Microsoft® Word or Adobe® Acrobat®. The maximum file size allowed is 10 MB.

Written comments may be submitted to the Docket Unit by 5:00 p.m. on July 24, 2026. 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. Written comments may also be submitted by email. Include docket number 24-OIR-03 and Energy Data Collection - Phase 3 in the subject line and email to docket@energy.ca.gov.

A paper copy may be mailed to:
California Energy Commission
Docket Unit, MS-4
Docket No. 24-OIR-03
715 P Street
Sacramento, California 95814

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General Inquiries: Email Peter Strait at peter.strait@energy.ca.gov or call (916) 980-7976.

Availability of Documents: Documents and presentations for this meeting will be available in the [Energy Data Collection - Phase 3 docket](#) at

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OIR-03>.

When new information is posted, an email will be sent to those subscribed to the subscription topics listed below. To receive these notices or notices of other email subscription topics, visit [Subscriptions](#), at <https://www.energy.ca.gov/subscriptions>.

Dated: June 9, 2026 at Sacramento, California.

Subscriptions:

Increase Access to Energy Data

Developing Regulations, Guidelines, and Policies for Implementing SB 350 and AB 802

General Natural Gas and LNG Issues

Distributed Generation

Clean Transportation Program

AB 2127

Attachment A – Draft Express Terms

Proposed additions to regulations are shown as underline,
proposed deletions are shown as ~~strikethrough~~.

Title 20, Division 2, Chapter 3

Article 6. Space Heating, Space Conditioning, and Water Heating Equipment Data Collection

§ 1396.1. Title and Scope.

- (a) The reports described in this Article shall be known as the Data Collection Reports for Space Conditioning and Water Heating Equipment.
- (b) The reporting requirements of this Article shall apply to any entity:
- (1) selling, offering for sale, or otherwise distributing in California any of the equipment specified in 1396.1(c), and
 - (2) selling or otherwise distributing such equipment to contractors that are either located in or doing business in California.
- (c) The reporting requirements of this Article shall apply to sales of the following residential equipment: central air conditioners, central air conditioning heat pumps, non-central air conditioners, non-central air conditioning heat pumps, storage water heaters, instantaneous water heaters, and heat pump water heaters, including but not limited to single-package, single-split, mini-split, multi-split, and hydronic equipment.
- (1) For split system equipment, including single-split, mini-split and multi-split equipment, the reporting requirements of this Article shall apply only to the outdoor unit.

Authority cited: Sections 25213, 25218(e), 25320, and 25401, Public Resources Code. Reference: Sections 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25310, 25324, and 25401.2, Public Resources Code.

§ 1396.2. Rules of Construction and Definitions.

(a) Rules of Construction.

- (1) Where the context requires, the singular includes the plural and the plural includes the singular.
- (2) The use of "and" in a conjunctive position means that all elements in the provision must be complied with, or must exist to make the provision applicable. Where compliance with one or more elements suffices, or where existence of one or more elements make the provision applicable, "or" (rather than "and/or") is used.

(b) Definitions. In this Article, the following definitions apply. If a term is not defined here, the applicable definition in California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, Section 1602 shall apply.

- (1) "CSLB" means the Contractors State License Board.
- (2) "Commission" means the State Energy Resources Conservation and Development Commission also known as the California Energy Commission.
 - (A) "Executive Director" means the executive director of the Commission.
- (3) "Contractor" has the meaning specified in California Business and Professions Code sections 7026, and 7026.1. A contractor is a "licensed contractor" when performing work while having an applicable CSLB-issued license in good standing. An "unlicensed contractor" is a contractor performing work without an applicable CSLB-issued license or the CSLB-issued license is not in good standing.
- (4) "Doing business" has the meaning specified in section 23101(a) of the California Revenue and Taxation Code. "Doing business in California" has the meaning of "doing business in this state for a taxable year" specified in section 23101(b) of the California Revenue and Taxation Code.
- (5) "Equipment" means any fixture, appliance, or other equipment included in the scope of this Article.
- (6) "FTB" means the Franchise Tax Board.
- (7) "Hydronic" means that the equipment is capable of performing both space and water heating or conditioning functions.
- (8) "Non-central air conditioner" and "non-central air conditioning heat pump" means equipment designed to be installed in a non-centralized configuration that otherwise meets the definition of "central air conditioner" or "central air conditioning heat pump", including but not limited to single-split, mini-split, multi-split, and other split system equipment.
- (9) "Outdoor unit" means a component of a split-system air conditioner, heat pump, or hydronic device designed to be installed outdoors for exchanging heat with outside air, and that typically consists of a condenser coil, compressor, and fan.
- (10) "Selling" means any activity requiring a seller's permit under California law.

(11) State and federal equipment definitions. The following terms referring to specified equipment are defined in federal law and have the same meaning when used within this Article.

(A) "Central air conditioner" and "central air conditioning heat pump" have the meaning specified in 10 CFR 430.2, which is restated here for reference:

Central air conditioner or central air conditioning heat pump means a product, other than a packaged terminal air conditioner, packaged terminal heat pump, single-phase single-package vertical air conditioner with cooling capacity less than 65,000 Btu/h, single-phase single-package vertical heat pump with cooling capacity less than 65,000 Btu/h, computer room air conditioner, or unitary dedicated outdoor air system as these equipment categories are defined at § 431.92 of this chapter, which is powered by single phase electric current, air cooled, rated below 65,000 Btu per hour, not contained within the same cabinet as a furnace, the rated capacity of which is above 225,000 Btu per hour, and is a heat pump or a cooling unit only. A central air conditioner or central air conditioning heat pump may consist of: A single-package unit; an outdoor unit and one or more indoor units; an indoor unit only; or an outdoor unit with no match.

(B) "Storage water heater", "instantaneous water heater" and "heat pump water heater" have the meaning specified in 10 CFR 430.2, which is restated here for reference:

Water heater means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

- (1) Storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;
- (2) Instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and
- (3) Heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

Authority cited: Sections 25213, 25218(e), 25320, and 25401, Public Resources Code. Reference: Sections 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25310, 25324, and 25401.2, Public Resources Code.

§ 1396.3. Reporting Periods and Requirements.

- (a) For purposes of this article, beginning with calendar year 2027, each calendar year shall be a reporting period beginning on January 1 and ending on December 31 of said year.
- (b) Reports shall be submitted for each reporting period and shall contain the information specified in Section 1396.4 of this Article.
- (1) Submittal of a report shall constitute a representation by the reporting entity and by the person making the submittal that all the information provided in or with the report is true, complete, accurate, and in compliance with all applicable provisions of this Article under penalty of perjury.
- (c) Reports filed pursuant to this Article shall be submitted no later than the first quarter following the change in calendar year, ending on the last day of March.
- (1) For the first reporting period of calendar year 2027, the report shall be submitted no later than March 31, 2028.
- (d) All data and reports shall be submitted on forms, and in accordance with instructions for such forms, specified by the executive director, which may include without limitation a requirement that the data or reports be submitted in electronic format generally or in a specific electronic format.
- (e) Reports shall be deemed accepted upon uploading of required data to the CEC's data submission portal in the form and format specified by the executive director under 1396.3(d).
- (f) Extension of Deadlines Specified in this Article. The company responsible for submitting data, a report, or an application may apply to the Executive Director for an extension of the deadlines established in this Article. An extension shall be granted if:
- (1) The company submits and the Commission receives, no later than 30 days before the data, report, or application is due, an application that includes:
- (A) The self-identifying information specified in 1396.4(c);
- (B) the name of the report and the Sections of these regulations applicable to the data, report, or application;
- (C) the reasons why the company believes the data, report, or application cannot be, or may not be able to be, submitted on time;
- (D) the measures the company is taking to complete the data, report, or application on time or as soon thereafter as possible;
- (E) the date the company believes the data, report, or application will be submitted; and
- (F) a declaration executed under penalty of perjury of the laws of the State of California stating:

1. the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;

2. that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and

3. that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

(2) the Executive Director finds that there is good cause for an extension and that the data, report, or application is likely to be submitted by the extended due date.

Authority cited: Sections 25213, 25218(e), 25320, and 25401, Public Resources Code. Reference: Sections 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25310, 25324, and 25401.2, Public Resources Code.

§ 1396.4. Data to be Reported.

(a) Sales to the following buyers shall be reported:

(1) Contractors, which includes both licensed and unlicensed contractors;

(2) Employees of contractors; and

(3) Buyers acting on behalf of contractors, including but not limited to companies purchasing equipment for installation by contractors under their employment.

(b) Reporting entities shall submit, in their annual report, the following data for each model of equipment sold during the reporting period to any of the entities described in 1396.4(a):

(1) Equipment type;

(2) Make or brand;

(3) Model number;

(4) Name of the buyer;

(A) The reported name shall be a company or business name if available, and a personal name only if there is not a company or business name associated with the buyer.

(5) Business or billing address of the buyer;

(6) Either:

(A) Buyer's CSLB-issued contractor license number, if issued; or

(B) Buyer's FTB-issued Business Entity ID number, if issued;

(7) Year and month of sale; and

(8) Number of units of that model sold to that buyer in that month within the reported calendar year.

(c) In addition to the data required to be included in the report, reporting entities shall provide the following self-identifying information when submitting their report:

(1) The name, address, telephone number, e-mail address, and, if available, fax number and URL (web site) address of the reporting entity; provided, however, that if a parent entity is filing on behalf of a subsidiary entity, if a subsidiary entity is filing on behalf of a parent entity, or if an affiliate entity is filing on behalf of an affiliate entity, then each entity shall be clearly identified and the information shall be provided for both entities;

(2) The name, address, telephone number, e-mail address, and, if available, fax number of the individual to contact concerning the report; and

(3) The name, address, telephone number, e-mail address, and, if available, fax number of the person submitting the report.

Authority cited: Sections 25213, 25218(e), 25320, and 25401, Public Resources Code. Reference: Sections 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25310, 25324, and 25401.2, Public Resources Code.

§ 1396.5. Data Access.

(a) Consistent with Public Resources Code section 25322(a)(2), data submitted under section 1396.4 shall be designated confidential by the Commission.

(b)The Commission may release records that are masked, aggregated, or anonymized to the extent necessary to ensure confidentiality consistent with Public Resources Code section 25322(a)(4) and its implementing regulations.

(c) Consistent with Public Resources Code section 25224, the Commission may share collected data with other California governmental entities in a confidential manner, for purposes including but not limited to improving compliance with other laws or reducing the need for duplicative or redundant parallel data collection.

Authority cited: Sections 25213, 25218(e), 25224, 25320, and 25322, Public Resources Code.

Reference: Sections 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25310, 25324, 25401, and 25401.2, Public Resources Code.

§ 1396.6. Enforcement for Failing to File Timely Reports.

(a) The Commission may enforce against an entity obligated to submit reports for late or willfully inaccurate submittals, including by issuing civil penalties, consistent with Public Resources Code section 25321.

Authority cited: Sections 25213, 25218(e), 25320, and 25321, Public Resources Code. Reference: Sections 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25310, 25321, 25324, 25401, and 25401.2, Public Resources Code.