

DOCKETED

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MEMORANDUM

TO: CALIFORNIA ENERGY COMMISSION

FROM: STANDARDS COMPLIANCE BRANCH
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SUBJECT: PROPOSED UPDATES TO TITLE 24, PART 6, SECTION 1001.2.3 [SECTION 120.8] COMMISSIONING OF THE 2028 ENERGY CODE

DATE: MAY 14, 2026

Introduction

The following staff proposal outlines updates to the Restructured 2025 Energy Code (California Code of Regulations, Title 24, Part 1, Chapter 10 and Part 6), Section 1001.2.3 [2025 Energy Code, Section 120.8] to include certified acceptance test technicians (ATTs) in the required commissioning process for newly constructed nonresidential buildings. All Residential Group R occupancies are excepted. The purpose of this proposal is to reduce wasteful, uneconomic, or unnecessary energy consumption by improved code compliance.

AB130 Impact

Assembly Bill 130 (AB 130) became effective June 30, 2025, and enacted a moratorium on state building standards affecting residential units (Residential Group R occupancies) beginning October 1, 2025, and ending June 1, 2031. These proposals do not include any additional energy efficiency requirements or compliance requirements for Residential Group R occupancies.

Measure Detailed Description

Measure Name: Acceptance Test Technician - Commissioning

Building Type and Systems

Nonresidential mechanical and lighting systems associated with the Acceptance Test Technician Certification Provider (ATTCP) program.

Measure Description (Purpose)

The purpose of this proposal is to create a requirement in the Nonresidential Building Commissioning regulations (Restructured 2025 Energy Code, Section 1001.2.3 [2025 Energy Code, Section 120.8]) that requires lighting controls and mechanical acceptance test technicians to be part of the *design team*.

Justification (Necessity)

Many nonresidential building designs are being submitted for permit applications that do not include appropriate Energy Code compliant design elements for lighting or mechanical (HVAC) equipment and the associated acceptance tests. This proposal will enable the *design team* to have the necessary expertise to reduce wasteful, uneconomic, or unnecessary energy consumption through developing code compliant designs.

Data Needs

No additional data needs.

Key Stakeholders

California Energy Alliance (CEA), lighting controls acceptance test technician certification providers (LC-ATTCPs), mechanical acceptance test technician certification providers (M-ATTCPs), lighting controls acceptance test technicians and employers (LC-ATT/ATEs), mechanical acceptance test technicians and employers (M-ATT/ATEs), licensed engineers, licensed architects, builders, contractors, enforcement agencies.

Estimated Energy Savings

Improved code compliance will result in increased energy savings. However, Staff expect there to be no direct energy savings associated with this proposal.

Estimated Costs

The only additional costs that staff expect are related to the employment of the ATT for the design team. This cost can be negotiated (even to no cost) by the builder with the incentive for the ATT to eventually perform the required acceptance testing. Therefore, the cost ranges from zero to as high as the hourly wage of the ATT. Potential savings may result from fewer design changes (change orders) as a result of improving code compliance.

Economic Impacts

Staff expect there to be no meaningful economic impact associated with this proposal. The existing ATTs are available for direct hire by the builder, similar to any engineer, architect, or contractor.

Proposed Language Changes

Section 201 Definitions

Design Reviewer is a required signatory of the Design Review Kickoff Certificate(s) of Compliance and Construction Design Review Checklist Certificate(s) of Compliance required in Section 1001 and specified in Section 10-103(a)1. The design reviewer shall be a California licensed professional engineer or licensed architect, or a licensed contractor representing services performed by or under the direct supervision of a licensed engineer or architect, as specified in the provisions of Division 3 of the Business and Professions Code.

Design Team consists of a project owner (or their representative), a *design reviewer*, and must also include other California licensed professionals as specified in Section 10-103(a)1 and Section 1001. Design Team members are responsible for reviewing the project designs for accuracy and code compliance and are required to be identified on the Design Review Kickoff Certificate(s) of Compliance and Construction Design Review Checklist Certificate(s) of Compliance required in Section 1001 and specified in Section 10-103(a)1.

SUBCHAPTER 10 DESIGN REVIEW AND COMMISSIONING

Section 1001 Nonresidential Occupancies (Newly Constructed)

1001.2 [Section 120.8(a)] Mandatory requirements (Newly Constructed).

1001.2.3 [Section 120.8(d)] Design phase design review.

Design reviewer requirements. The *design reviewer* shall be the signer of the Design Review Kickoff Certificate(s) of Compliance and Construction Document Design Review Checklist Certificate(s) of Compliance as specified in Title 24, Part 1 Section 10-103(a)1. The design reviewer shall be a California licensed professional engineer or licensed architect, or a licensed contractor representing services performed by or under the direct supervision of a licensed engineer or architect, as specified in the provisions of Division 3 of the Business and Professions Code.

1. For buildings –10,000 square feet or less, this shall be either the licensed engineer or architect of record.
2. For buildings greater than 10,000 square feet but less than 50,000 square feet, this shall be a qualified in-house engineer or architect with no other project involvement or a third-party engineer, architect, or contractor representing services performed by or under the direct supervision of a licensed engineer or architect.

3. For buildings –50,000 square feet or more and all buildings with complex mechanical systems serving more than 10,000 square feet, this shall be a third-party engineer, architect, or contractor representing services performed by or under the direct supervision of a licensed engineer or architect.

Design Team Membership Requirements. The *design team* must include the following members:

1. Owner or owner's representative.
2. The *design reviewer*.
3. A certified Lighting Controls Acceptance Test Technician (LC-ATT) as per Title 24, Part 1, Section 10-103.1. The LC-ATT shall be limited to reviewing the lighting and lighting controls designs and Energy Code compliance documentation (if available) that are related to the lighting controls acceptance testing required by Section **601.2.5** [Section 130.4] for general Energy Code compliance, including the appropriate identification of any required lighting controls acceptance tests. If licensed under the provisions of Division 3 of the Business and Professions Code, the LC-ATT may also serve as the design reviewer, lighting design engineer, lighting installation contractor, and the LC-ATT to perform the required lighting controls acceptance tests.
4. A Certified Mechanical Acceptance Test Technician (M-ATT) as per Part 1, Section 10-103.2. The M-ATT shall be limited to reviewing all mechanical designs and Energy Code compliance documentation (if available) that are related to the mechanical acceptance testing required by Section **401.2.7** [Section 120.5] for general Energy Code compliance including the appropriate identification of any required mechanical acceptance tests. If licensed under the provisions of Division 3 of the Business and Professions Code, the M-ATT may also serve as the design reviewer, mechanical design engineer, mechanical installation contractor, and the M-ATT to perform the required mechanical acceptance tests.
5. The LC-ATT and M-ATT are not required as design team members for multifamily or hotel/motel projects but are recommended as these acceptance tests may be required for those projects.

Design review kickoff. During the schematic design phase of the building project, the owner or owner's representative, *design team* and *design reviewer* must meet to discuss the project scope, schedule and how the *design reviewer* will coordinate with the project and *design team*. The building owner or owner's representative shall include the *Design Review Kickoff* Certificate of Compliance form in the certificate of compliance documentation (as specified in Part 1 Section 10-103).

Construction documents design review. The construction documents design review Construction Document Design Review Checklist Certificate(s) of Compliance shall list the items checked by the *design reviewer* during the construction document review. The completed form shall be returned to the owner for review and sign-off. The building owner or owner's representative shall include this form in the certificate of compliance documentation (as specified in Part 1 Section 10-103).