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**WestLight Energy and Silicon Valley Clean Energy Comments on
2028 Energy Code Pre-Rulemaking**

Additional submitted attachment is included below.



July 17, 2026

California Energy Commission
Re: Docket No. 25-BSTD-03
715 P Street
Sacramento, CA 95814
docket@energy.ca.gov

RE: Comments on 2028 Energy Code Pre-Rulemaking Workshops

Dear Commissioners and CEC Staff,

WestLight Energy (WestLight)¹ and Silicon Valley Clean Energy (SVCE), collectively the Joint CCAs, appreciate the opportunity to comment on the California Energy Commission's (CEC) 2028 Energy Code Pre-Rulemaking workshop (Workshop) presenting proposed changes to the nonresidential sector. The Joint CCAs support the CEC's objectives in reducing the state's greenhouse gas emissions while increasing the energy efficiency of buildings.

The following comments are based on hands-on experience of the Joint CCAs in implementing programs, understanding the market, and pursuing what is best for the state to achieve its climate and affordability goals. WestLight and SVCE look forward to working collaboratively with CEC and its staff on ensuring that as a state, the most is achieved from this 2028 Energy Code cycle.

WESTLIGHT ENERGY / SVCE: 2028 ENERGY CODE POSITION SUMMARY	
 1. HVAC ALTERATIONS ▲ SUPPORT EXPANSION Extend §141.0(b) to 20 Tons Apply rules to 5.4-20 tons RTUs and add retail & restaurant space to secure critical GHG savings.	 2. CHILLER LIMITS ▲ PROMOTE AIR-COOLED Allow >300-Ton Air-Cooled Promote air-cooled systems over 300 tons to eliminate water cooling and conserve massive water resources.
 3. POOL HEATING ■ CLOSE LOOPHOLE Reject Gas Pool Exceptions Eliminate gas bypass options; ensure site-recovered heat isn't backed by fossil-fuel systems.	 4. DOMESTIC WATER ◆ RECOMMEND HPWH Mandate HPWH Retrofits Standardize heat pump water heaters in nonresidential buildings outside of Group R occupancy.

¹ WestLight Energy was formerly Peninsula Clean Energy Authority.

I. Support extending §141.0(b) to 20 tons, with addition of Retail & Restaurant occupancy types

The Joint CCAs are supportive of the proposed expansion of §141.0(b) to include large single-zone rooftop units (RTUs) that are between 5.4 and 20 tons.² As mentioned by staff in the presentation slides, the existing 2025 Energy Code does not account for large capacity ranges, i.e. 65-240 kBtu/h (kilo British Thermal Unit per hour), which approximately make up for 40 percent of cooling capacity sold in 2024.³ By extending the alteration requirement, not only will key benefits like greenhouse gas (GHG) emissions reductions and long-term system cost savings be achieved, but it will save time from entities like WestLight and SVCE, and our jurisdictions who review these alterations and coordinate to adopt Reach Codes in an effort to adopt energy efficient improvements beyond what the 2025 Energy Code required. In return, this will allow staff to focus on other matters related to building standards and performance that will collectively benefit the state.

II. Explicit Allowance of Air-Cooled Chillers Exceeding the 300-ton Limit

As the state addresses the wave of artificial intelligence and data centers, the Joint CCAs disagrees with reconsidering air-cooled chillers to exceed the 300-ton limit of cooling capacity.⁴ CEC staff notes that a 2025 California Statewide Codes and Standards Enhancement (CASE) team analysis looked into this change, but was ultimately dropped to due unfavorable cost-effectiveness results.⁵ While the analysis was presented again for this 2028 Energy Code cycle, no new information was presented on how the unfavorable cost-effectiveness results were addressed to be reconsidered for the 2028 Energy Code cycle.

While the Joint CCAs appreciate staff's reconsideration of this rule to address the possible buildout of data centers in water-stressed regions, a proper review of why the 2025 CASE team analysis yielded unfavorable cost-effectiveness results should follow as well as an explanation on what has changed for this to be considered now. The published CASE materials do not demonstrate that the selected performance curves accurately represented modern air-cooled chiller coefficient of performance (COP) at low ambient across a range of fixed loads. The Joint CCAs do not believe the original 2005 CASE report⁶ creating the water-cooled chiller

² CEC 2028 Energy Code Pre-Rulemaking Workshop, June 23, at 101.

³ *Ibid.*

⁴ CEC 2028 Energy Code Pre-Rulemaking Workshop, June 24, at 41.

⁵ 300 Ton ACC Limit for Data Centers Final CASE Team Letter.

⁶ Code Change Proposal for Cooling Towers, April 8, 2002.

requirement was adequately modeled, and recommend that the commission consider retroactively removing that text unless the 2005 CASE analysis is proven defensible.

III. Replacement of Pool Heating Systems

The Joint CCAs are opposed to the 2028 Energy Code proposed exceptions to Section 801, 141.0(b)1 for nonresidential buildings when pool heating systems are replaced in Climate Zones 2-16, specifically for utilizing gas pool heaters with a thermal efficiency of 94 percent or higher as the only heating system, as well as utilizing site-recovered energy.⁷

Gas pool heaters with a thermal efficiency of 94 percent are regularly available in the market, meaning the loophole could be overly leveraged by developers, reducing effectiveness of the energy code update. Moreover, on utilizing site-recovered energy, the Joint CCAs recommend that this be amended to reflect site-recovered energy that is not supplied by on-site fossil-fuel generation. This distinction is important in ensuring that additional emissions are not emitted, and proper regulations are in place to prevent this from happening.

IV. Consideration of Heat Pump Water Heaters Retrofit Requirement for Domestic Hot Water

While the CEC's focus on heat pump pool heaters and heat pump rooftop units is appreciated, the Joint CCAs recommends that heat pump water heaters for domestic hot water heating in nonresidential buildings outside of Group R Occupancy be considered for this 2028 Energy Code cycle. For example, a category of "low load" buildings can be selected with little to no showers or kitchen usage. Owners of office, retail, and government facilities have been installing both heat pump water heaters and point-of-source, 120V, under-sink, electric water heaters in an effort to decarbonize their domestic water loads.

V. Conclusion

The Joint CCAs strongly supports the CEC's overarching objectives to cost-effectively reduce greenhouse gas emissions and increase energy efficiency across California's nonresidential buildings, applauding and fully supporting the proposed expansion of the heat pump rooftop unit alteration requirements to 20 tons for retail and restaurant occupancies.

However, the Joint CCAs urges the CEC to address significant concerns regarding other proposed measures. The Joint CCAs strongly opposes the exceptions allowing for 94% efficient gas pool heaters and site-recovered energy derived from fossil fuels, as these could become

⁷ CEC 2028 Energy Code Pre-Rulemaking Workshop, June 24, at 159.



easily leveraged loopholes. Additionally, the Joint CCAs requests that the CEC withhold approval for air-cooled chillers exceeding the 300-ton limit until a rigorous and defensible cost-effectiveness review is provided. Finally, the Joint CCAs highly recommend that the 2028 Energy Code be expanded to include heat pump water heater retrofit requirements for domestic hot water in low-load nonresidential buildings.

WestLight and SVCE look forward to continuing the collaborative work with CEC staff to ensure the 2028 Energy Code cycle achieves the maximum possible benefit for the state's climate and affordability goals.

Sincerely,

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