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July 24, 2026

California Energy Commission
Docket Unit
Re: Docket 24-OIR-03
715 P Street
Sacramento, CA 95814

RE: Energy Data Collection – Phase 3 – Docket #24-OIR-03 – Third RFI

Commissioner McAllister and Staff:

The American Supply Association (ASA) respectfully submits the following responses to the questions outlined in the California Energy Commission's (CEC) Request for Information (RFI) for Energy Data Collection Phase 3 – Space Conditioning and Water Heating Equipment Data Tracking (Docket No. 24-OIR-03).

ASA is the national trade association representing the Plumbing-Heating-Cooling-Piping (PHCP) and Pipes-Valves-Fittings (PVF) industry. Our distributor, wholesaler, and manufacturer members collectively employ approximately 350,000 individuals across 6,600 branch locations in all 50 states and Puerto Rico.

We appreciate the opportunity to provide input on the CEC's latest RFI. While we recognize the value of robust and accurate data collection, the scope as proposed would place a significant and unnecessary burden on our California members. ASA also respectfully requests an additional public workshop to allow stakeholders to discuss the proposed rule in greater detail, which we believe would benefit all parties involved.

We welcome the chance to share our industry's perspective and insights below.

Proposed Scope

1. **Is the proposed language sufficiently clear and specific in communicating which sales must be reported? If not, how may it be improved?**

The proposed language is clearer and more specific than prior versions because it focuses on contractors and installers of water heating equipment, as well as individuals acting on their behalf or installing such equipment independently.

2. **Should any other categories of equipment be included or excluded, and on what basis?**

   We recommend excluding certain transactions from reporting, including transfers between branches, between distributors/wholsalers, parts, and products not designated for installation in California.

3. **Are the proposed definitions suitable and appropriate as written? Or, are there ways to improve the proposed language?**

   With respect to the proposed definitions, they are generally suitable and no additional definitions outside of current CEC definitions are needed.

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)?**

   Although CEC has indicated that collected data would be secured and treated as confidential, the proposed rule relies on broad terms such as "masked," "aggregated," and "anonymized" without establishing clear, enforceable protections. The regulation should provide explicit safeguards to ensure that confidential sales information, personal customer information, and other sensitive business data are not disclosed or used in a manner that could harm reporting entities and their customers.

<u>Reporting Periods</u>

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?**

   The proposed effective date does not provide sufficient lead time and should be extended beyond the 2027 calendar year with the addition of a penalty enforcement grace period of one-year following implementation.

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?**

   As noted in prior RFI responses, a mandatory reporting requirement would impose substantial financial and administrative burdens throughout the supply chain. Stakeholders' ability to comply electronically will vary significantly based on differences in technology systems, staffing capacity, and available financial resources. Distributors would face considerable overhead costs to identify qualified personnel, modify internal processes, and develop or procure centralized data-management systems capable of meeting the CEC's reporting specifications. These costs appear to be underestimated, particularly given that Section 1396.4 would require more than 30 data points for each reportable sale.

   These requirements would disproportionately affect small businesses, many of which lack the internal resources needed to absorb additional compliance costs. To satisfy the proposed reporting obligations, smaller firms may need to hire additional staff or retain third-party service providers - steps that could strain operations and threaten long-term viability. The CEC should carefully evaluate these economic impacts and ensure that any final requirements are implemented fairly without undermining the resilience of smaller businesses.

   ASA requests that the State of California subsidize or fully cover any costs associated with data transmission, recording, aggregation, and reporting, given the additional financial burden these requirements would place on distribution members.

<u>Data To Be Reported</u>

7. **Is there a means of using model family groupings that would be appropriate to consider allowing instead of reporting more specific model numbers?**

   ASA strongly recommends allowing reporting by model family and fuel type rather than requiring specific serial numbers or original equipment manufacturer model numbers. Serial numbers and detailed model identifiers constitute sensitive business information and collecting them would create unnecessary administrative burden for distributors and wholesalers.

A model family approach would provide the CEC with useful information for policy evaluation and forecasting while reducing compliance costs and protecting confidential commercial data. This approach would also better align the reporting obligation with the practical realities of how products are tracked and managed throughout the marketplace.

8. **Is the language in subsection (b) specifying which sales are to be reported sufficiently clear and specific?**

   No. The language in subsection (b) is not sufficiently clear or specific because it requires distributors to determine whether each purchaser falls within CEC-defined customer classes. That obligation would place an unreasonable compliance burden on distributors, who may not have reliable access to the information needed to classify customers accurately at the point of sale. The proposed language also appears to connect multiple data points involving confidential business information without demonstrating why that level of detail is necessary to achieve the CEC's stated objectives. For these reasons, the regulation should be revised to clarify which transactions are reportable, limit reporting to information reasonably available to distributors, and exclude unnecessary data elements that could compromise commercial confidentiality or operational efficiency.

9. **Is the submitter self-identification language in subsection (c) sufficiently clear and specific?**

   The submitter self-identification language should be limited to the basic information necessary to confirm compliance, such as the seller's corporate name, principal business address, telephone number, and email address. The CEC should not require identifying information or supporting data that could reveal confidential sales activity, customer relationships, or market-share information. Limiting self-identification requirements in this manner would allow the CEC to verify reporting obligations while reducing unnecessary privacy, confidentiality, and competitive concerns.

<u>**Data Access**</u>

10. **Is the language related to "masked, aggregated, or anonymized" records sufficiently clear and specific?**

    As stated earlier, *although CEC has indicated that collected data would be secured and treated as confidential, the proposed rule relies on broad terms such as "masked,"* *"aggregated," and "anonymized" without establishing clear, enforceable protections. The regulation should provide explicit safeguards to ensure that confidential sales information, personal customer information, and other sensitive business data are not disclosed or used in a manner that could harm reporting entities and their customers. This level of detail is not only unnecessary, but also introduces considerable risks related to data security and consumer trust.*

11. **Does the language in subpart (b) establish an appropriately high bar for data access?**

    No. As written, subpart (b) does not establish an appropriately high bar for access to confidential data. The language does not clearly protect reported information from disclosure through public records requests or other data access mechanisms, nor does it provide sufficient assurance that personal, customer-specific, and proprietary business information would be safeguarded. The regulation should include explicit limitations on access, use, retention, and disclosure of reported data before any such information is collected.

Conclusion

ASA urges the Commission to adopt data-collection strategies that provide actionable insights without imposing undue burdens on the supply chain. Streamlined online permitting, targeted field enforcement, and enhanced contractor education would produce more reliable compliance information at a lower cost and with significantly less complexity than an expansive, fragmented sales registry.

We appreciate the opportunity to comment and remain ready to work with CEC staff on practical solutions that advance California's energy forecasting and decarbonization goals while reflecting the operational realities of the water heating marketplace.

ASA thanks the Commission for considering these comments. Please feel free to contact me directly with any questions or requests for additional information.

Sincerely,

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