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# NLCAA Comments on TN 271548 CALCTP 2028 Proposal, Lighting Controls ATT and ATE Equitable Audit Process

*Additional submitted attachment is included below.*

July 29, 2026

California Energy Commission
Dockets Office, MS-4
Docket No. 25-BSTD-03
1516 Ninth Street
Sacramento, CA 95814

**RE: Comments of the National Lighting Contractors Association of America (NLCAA) on TN 271548 CALCTP 2028 Proposal, "Lighting Controls ATT and ATE Equitable Audit Process" (Docket No. 25-BSTD-03, 2028 Energy Code Pre-Rulemaking)**

Dear Chair, Commissioners, and Dockets Office Staff:

The National Lighting Contractors Association of America (NLCAA), an approved Acceptance Test Technician Certification Provider (ATTCP) for lighting controls under the Building Energy Efficiency Standards, respectfully submits the following comments regarding the proposal filed by CALCTP (TN 271548) to amend the audit requirements of Section 10-103.1(c)3F.

**1. NLCAA supports the wording revision on the audit-selection basis.**

NLCAA supports the proposed revision that changes the audit-selection basis under both the Desk Audit and Site Audit provisions from "completed compliance forms" and "completed acceptance tests" to "completed projects (calculated per building permit)."

Acceptance test submissions are entered, tracked, and managed by ATTCPs at the project and permit level, and can be reviewed by Authorities Having Jurisdiction (AHJs) using the same project-based framework. Aligning the audit language with the way projects are actually administered is both accurate and practical. This revision will improve consistency in annual reporting and provide a more meaningful basis for comparing Title 24 compliance activity across jurisdictions. NLCAA fully supports this change.

**2. NLCAA does not support a mandatory increase in the minimum audit percentage.**

While NLCAA supports the proposed wording revision, it does not support increasing the mandatory minimum audit rate from one percent (1%) to five percent (5%).

Given the current financial condition of ATTCPs, driven largely by inconsistent Title 24 enforcement throughout California, a fivefold increase in mandatory audit obligations is not economically sustainable. Expanding audit requirements would increase administration, documentation, scheduling, and field verification costs for the providers responsible for carrying out those audits. Importantly, the existing language does not limit ATTCPs to auditing only one percent (1%) of completed projects. Section 10-103.1(c)3F requires a random sample of "no less than" one percent, providing ATTCPs with the flexibility to audit at higher rates whenever additional oversight is warranted.

**3. NLCAA recommends a more effective path forward: Pair increased ATTCP audits with assessment of AHJ compliance.**

NLCAA believes that increasing the audit percentage could become both reasonable and beneficial if it is accompanied by a corresponding assessment of AHJ enforcement performance. A significant portion of California's Title 24 acceptance-testing gap originates at the local enforcement level. Measuring ATTCP performance without also evaluating how consistently local jurisdictions enforce acceptance-testing requirements addresses only one side of the compliance equation.

A framework that evaluates AHJ enforcement alongside ATTCP oversight would provide a more complete picture of statewide compliance, encourage consistent enforcement practices, and increase legitimate acceptance-testing activity throughout California. Greater statewide participation would strengthen the financial sustainability of ATTCPs while producing more representative compliance data. Under those conditions, a higher audit percentage could be supported by a stable and appropriate funding base rather than functioning as an unfunded mandate imposed solely on certification providers. Without a corresponding increase in acceptance-testing activity through improved code enforcement, the current proposal would impose a significant unfunded mandate on ATTCPs.

**Summary of NLCAA's Position**

• NLCAA supports revising the audit-selection language to base audits on completed projects calculated by building permit.

• NLCAA opposes a mandatory increase in the minimum audit rate from 1% to 5%. The current "no less than" language already authorizes ATTCPs to conduct higher audit rates when warranted.

• NLCAA would support a higher audit rate if it is accompanied by a corresponding assessment of AHJ compliance that improves statewide enforcement. Increased enforcement would expand legitimate acceptance-testing activity and provide the sustainable economic foundation necessary to support the additional overhead incurred by ATTCPs.

NLCAA appreciates the opportunity to provide these comments and looks forward to continuing to work with the Commission and other stakeholders to strengthen California's acceptance-testing program while promoting practical, measurable improvements in statewide Title 24 compliance.

Sincerely,

Michael Scalzo

Michael Scalzo
Executive Director
National Lighting Contractors Association of America (NLCAA)