

DOCKETED

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AHRI Comments on CEC BPS Report

See Attachment

Additional submitted attachment is included below.

August 21, 2026

California Energy Commission (CEC)
Docket Unit, MS-4
Docket No. 24-BPS-01
1516 Ninth Street
Sacramento, California 95814-5512

Re: AHRI Comments on the Draft California Building Energy Performance Strategy Report [Docket No. 24-BPS-01]

Dear Commissioners:

The Air-Conditioning, Heating, and Refrigeration Institute (AHRI) respectfully submits this letter in response to the Draft Commission Report: Draft California Building Energy Performance Strategy Report published on the CEC public docket on July 7, 2026 (CEC-400-2026-007-CMD).¹

AHRI represents more than 330 manufacturers of air conditioning, heating, refrigeration (HVACR), and water heating equipment. It is an internationally recognized advocate for the HVACR industry and certifies the performance of many of the products manufactured by its members. In North America, the annual economic activity resulting from the HVACR industry is more than \$211 billion. In the United States alone, AHRI member companies, along with distributors, contractors, and technicians employ more than 704,000 people.

EPCA Preemption Provision

AHRI supports efforts to reduce greenhouse gas (GHG) emissions while promoting sustainable, safe, reliable, and affordable access to the essential air and water heating, and cooling provided by the products manufactured by AHRI members. However, BPS must not be implemented in a way that bans fossil-fuel appliances or that requires building owners to install high efficiency appliances to meet levels that CEC may set. On January 2, 2024, the Ninth Circuit Court of Appeals denied the City of Berkeley's petition for rehearing en banc and issued an amended opinion, leaving in place its April 17, 2023 decision in *California Restaurant Association v. City of Berkeley* case.² The court held that Energy Policy and Conservation Act (EPCA) preempts Berkeley's ordinance prohibiting natural gas piping in newly constructed buildings.³ The court also concluded that EPCA preempts building codes that **concern** energy

¹ California Energy Commission. *Draft Commission report: Draft California Building Energy Performance Strategy Report, Senate Bill 48 Implementation Report*. (July 2026).
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-BPS-01>

² *Cal. Rest. Ass'n v. City of Berkeley*, 89 F.4th 1094 (9th Cir.2024)

³ *Id.*

use of covered products.⁴ Thus, AHRI requests CEC consider EPCA federal preemption provisions and the court’s ruling in the *Berkeley* case in discussions around BPS.

Performance Metrics

AHRI recognizes CEC’s objective to use metrics that are in the control of the building owner, and thus, using site energy use intensity (EUI) as one of the primary metrics in the BPS. Site EUI is intended to represent the energy consumed at the building and reflected on the energy bill. AHRI notes U.S. Environmental Protection Agency’s (EPA) 2022 White Paper stating “site EUI always favors electrification, even when delivered with inefficient technology, while source energy and the ENERGY STAR score favor electrification only when delivered with efficient technology.”⁵ Source EUI metrics, which put different forms of energy used by buildings on the same scale, favor electrification only when the most efficient technology is used.

EPA’s ENERGY STAR Portfolio Manager uses source energy and national source-to-site energy conversion ratios. The Office of Management and Budget (OMB) Circular A-94 framework recommends specific discount rates based on the type of evaluation being conducted.⁶ AHRI supports BPS metrics that are fuel agnostic and allow for equitable comparisons among buildings with different fuel mixes.

AHRI encourages CEC to utilize existing ASHRAE resources wherever possible. AHRI supports CEC’s recommendation for the use of ANSI/ASHRAE/IES Standard 100, *Energy and Emissions Building Performance Standard for Existing Buildings*, as a starting point for its BPS. AHRI encourages CEC to harmonize with ANSI/ASHRAE/IES Standard 100 as closely as possible to avoid a regulatory patchwork that can negatively impact manufacturers, builders, building owners, and consumers. AHRI believes that effective modeling is critical to reducing energy use. Additionally, AHRI recommends using ASHRAE Standard 205, *Representation of Performance Data for HVAC&R and Other Facility Equipment* as the basis for modeling that pertains to the use of HVACR equipment.

AHRI believes that time-of-use (TOU) rates should be included in California’s BPS. A Federal Energy Regulatory Commission (FERC) study indicated that 77% of residential meters were smart meters in 2023 (an increase from 69% in 2021).⁷ TOU rates can represent large savings for consumers and will become more common with the growing use of smart meters.

Climate Zones

AHRI appreciates CEC’s discussion of climate zones in the Draft California BPS Report but request CEC provide more information on how climate zones will be factored into the BPS. California has a diverse array of climate zones, and the BPS must account for the differences in

⁴ *Id.*

⁵ U.S. Environmental Protection Agency. (2022). *Understanding and choosing metrics for building performance standards*. https://www.energystar.gov/sites/default/files/tools/BPS-White_paper_final.pdf

⁶ <https://whitehouse.gov/wp-content/uploads/2023/11/CircularA-94.pdf>

⁷ 2025 Assessment of Demand Response and Advanced Metering Pursuant to Energy Policy Act of 2005 Section 1252(e)(3), Federal Energy Regulatory Commission, December, 2025; <https://www.ferc.gov/news-events/news/ferc-staff-issues-2025-assessment-demand-response-and-advanced-metering>.

building design and energy use across these climate zones. ANSI/ASHRAE/IES Standard 90.1 has established standard work for evaluating costs where the analysis is done for all 19 climate zones from ANSI/ASHRAE Standard 169, *Climatic Data for Building Design Standards* using reference cities that ANSI/ASHRAE/IES Standard 90.1 has developed. AHRI recommends harmonizing with ANSI/ASHRAE Standard 169 and ANSI/ASHRAE/IES Standard 90.1.

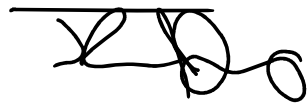
Data Management

CEC recommends using Portfolio Manager as the main data reporting tool. However, CEC also states “the ability to shift to another online data management software to support a BPS may be critical for long-term success.”⁸ AHRI recommends utilizing ASHRAE’s Building Energy Quotient (BEQ).⁹ This tool assesses both the potential energy use of a building’s design as well as the actual building energy use based on metered energy information. It also provides recommendations to improve building efficiency.

Conclusion

California’s BPS will have wide-ranging impacts on residents, building owners, and industry. AHRI appreciates the work of CEC and encourages continued development of this BPS that maximizes flexibility for building owners, maintains consumer choice, and provides industry with clear and attainable standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas J. Deary', written over a horizontal line.

Thomas J. Deary
Senior Director of Codes

⁸ California Energy Commission. (2026). *Draft California Building Energy Performance Strategy Report*. <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-BPS-01>

⁹ <https://www.ashrae.org/technical-resources/building-eq>