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California Energy Commission

DOCKETED

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TN 73657

AUG 19 2014

August 19, 2014

VIA EMAIL & U.S. MAIL

Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street, MS 39
Sacramento, CA 95814-5512
Rob.Oglesby@energy.ca.gov

**Re: False Allegations that Contractors Have Been Unable to Obtain
Lighting Control Acceptance Test Technician Certification
Training from CALCTP**

Dear Director Oglesby:

I am writing on behalf of the California Advanced Lighting Controls Training Program ("CALCTP") to respond to the false allegations raised by the National Lighting Contractors Association of America (NLCAA) and by Spencer Yount, an NLCAA trainee. Both NLCAA and Spencer Yount have alleged that approval of NLCAA's application to become a Lighting Control Acceptance Test Technician Certification Provider should be fast-tracked because certain contractors have been unable to get their employees into the CALCTP technician classes. This allegation is unequivocally false. The real issue here is that NLCAA is trying to justify why approval of its application should be expedited by fabricating an issue that doesn't exist and impugning the reputation of CALCTP.

In an email to the Commission dated June 5, 2014, NLCAA CEO Jack Yapp claims that he has contractors wanting to take the NLCAA certification that "couldn't get into the CALCTP classes." (See Attachment A.) Mr. Yapp provides no names or evidence to back up this claim. All that any licensed electrical contractor needs to do to get into a CALCTP class is to contact CALCTP. CALCTP has no

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record of any contractors contacting CALCTP and being told that they couldn't get into the CALCTP acceptance test technician or employer training classes.

Training has been made available to every qualified applicant that has contacted CALCTP. Furthermore, CALCTP has had no problems meeting demand for training. CALCTP has certified 63 instructors to conduct classroom and hands on training of CALCTP Acceptance Test Technician Certification applicants. These include instructors at community colleges, joint management labor training centers, investor owned utility energy centers, and independent training centers. With 63 trained instructors in locations throughout the state, CALCTP has not had any difficulties in providing sufficient classes to meet industry demand.

CALCTP did have one instance in June of a contractor mistakenly calling a JATC training site instead of CALCTP to see if he could get into a class. CALCTP's website clearly directs applicants to call CALCTP to apply for classes. The person he contacted at the JATC was not an employee of CALCTP and was not aware that CALCTP had made arrangements to allow non-members to take CALCTP acceptance test classes at the JATC if other classes were not available. When the contractor was subsequently put in touch with CALCTP, classes were provided for the contractor and his employers (both at a community college and the JATC).

The only "evidence" that a contractor has been unable to get into a CALCTP class is an email from Spencer Yount, who identifies himself as a "superintendent-non-union, electrical contractor." Mr. Yount's complaint, however, does not stand up to examination. An email from Jack Yapp shows that Mr. Yount was already enrolled in the NLCAA classes in May, 2014. (See Attachment B.) However, he claims in an email dated July 21, 2014 (two months later) that he called one of the JATCs and was told that he could not take a class there unless he was a member of the union. (See Attachment C.) As stated above, the CALCTP website clearly directs applicants to call CALCTP to apply for classes. No attempt was ever made to contact CALCTP and no classes were ever denied to Mr. Yount. The fact that Mr. Yount is associated with NLCAA and self-identifies himself as a superintendent for a "non-union" contractor suggests that the call to the JATC was an attempt to manufacture a claim that Energy Commission approval of NLCAA is necessary to provide non-union contractors an opportunity for certification. (See also Attachment D – Jack Yapp email to the Commission dated May 1, 2014, claiming "non-union" contractors are anxiously waiting for approval of NLCAA).

On its face, the suggestion that non-union applicants have any difficulty getting trained by CALCTP is ludicrous. CALCTP certification for both installers (CALCTP-I) and acceptance test technicians (CALCTP-AT) are, and always have been, open shop – meaning that certification is provided to both union and non-union workers. With almost half of the CALCTP-AT training classes occurring at Investor Owned Utility Training Centers, community colleges or independent training centers (and with the trainings at JATCs also made available to non-members where needed), it is estimated that about half of the 700 CALCTP certified technicians represent non-union applicants.

In addition, CALCTP provides training to non-union applicants at significantly reduced rates than offered by NLCAA. NLCAA charges \$1500 for its training. CALCTP training at community colleges and at JATCs (for non-members) ranges between \$500 and \$1000. CALCTP classes offered at Investor Owned Utility Training Centers have been charged at even lower subsidized rates or offered for free.

CALCTP also notes that training classes offered to union members at joint management/labor training centers are not free of charge– they simply pay for these costs in a different manner than other applicants. They are paid in full through members' dues. In contrast, most of the applicants who have trained through community colleges or investor owned utility energy centers have been charged some sort of subsidized rate, including many classes that were offered for free under grants. Because the non-union applicants do not reimburse these subsidies through payment of regular dues, any ratepayer or taxpayer subsidies for their classes provide a cost-advantage to these applicants that the Union members do not receive.

To insinuate that CALCTP would restrict access to non-union applicants in any way requires an utter disregard of the facts and the history of CALCTP. CALCTP was developed in cooperation with the California Energy Commission, the California Lighting Technology Center at U.C. Davis, the California Community College Chancellor's Office—Advanced Transportation Technology Energy Campuses, Southern California Edison, Pacific Gas & Electric, San Diego Gas & Electric, the Sacramento Municipal Utility District, the National Lighting Manufacturers Association, manufacturers and both union and non-union

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contractors. Non-union stakeholders have been part of CALCTP since its inception and are training with CALCTP at much greater numbers and at a much cheaper cost than NLCAA.

CALCTP takes its reputation among lighting industry stakeholders very seriously. If complaints regarding CALCTP are received by the Commission, CALCTP requests that the complainant be asked to contact CALCTP directly so any actual issues can be appropriately resolved.

Sincerely,

A handwritten signature in blue ink that reads "Thomas A. Enslow". The signature is written in a cursive style with a long horizontal line extending to the right.

Thomas A. Enslow

TAE:ljl

cc: Tav Commins (via email)
Joan Walter (via email)

ATTACHMENT A

Babula, Jared@Energy

From: Jack@nlcaa.org
Sent: Thursday, June 05, 2014 4:30 AM
To: Commins, Tav@Energy
Cc: Rob Pieroth; Rick Miller
Subject: June Business Meeting

Hi Tav,

July 1st is the official date for the implementation of the 2013 Energy Standards and I was hoping to at least become an interim provider. I have the trust of contractors taking and wanting to take our courses. Some of them couldn't get into the CALCTP classes. Without an official recognition they are reluctant to sign up for the classes. In order help teach and properly train these contractors we would need at least have some sort of recognition from the CEC that indicates that our training is towards their ATT certification.

Jack Yapp



ATTACHMENT B

Babula, Jared@Energy

From: jack [jackceti@gmail.com]
Sent: Tuesday, May 27, 2014 2:16 PM
To: syount@serranoelectric.com
Cc: Commins, Tav@Energy
Subject: Acceptance Test Technician Certification Course

→ **Spencer,**

I receive word last Friday from Tav Commins from the California Energy Commission that our courses have been approved so that we can start conducting classes.

Here is Tav's email if you want to confirm this Tav.Commins@energy.ca.gov

I humbly appreciate your trust in me prior to this confirmation. I always will assist you in your status as an Acceptance Test Tech and Employer.

Here is the location for next weeks class and material needed.

Location.

1. **Address:** 5535 Johnson Dr, Pleasanton, CA 94588
Phone:(925) 463-1212
Hotel class: 3 stars

Material needed.

Pencils

Yellow highlighter

Calculator

Footcandle meter

IPAD or Windows 8 tablet If they have one (We will be given access to our software.

ATTACHMENT C

From: Spencer Yount

Sent: Monday, July 21, 2014 10:03 AM

To: Levy, Michael@Energy; Ashuckian, Dave@Energy; Oglesby, Rob@Energy; Walter, Joan@Energy; Commins, Tav@Energy

Subject: Item 11 NLCAA approval process

Importance: High

Good Morning

My name is Spencer Yount and I am the superintendent of a non-union contractor in the Bay Area. I think it is important that I share my frustrations in being a non-union contractor trying to find a place to get certified as a Cal State Acceptance Technician. I went on the Cal CTP web site to find a list of places to get the training. I found one in my area and called, not paying attention to the fact that the school was a JATC union training school. After talking to the gentleman on the phone for about five minutes he asked me if I was a union contractor and I informed him I was not. After giving me a quick chuckle he told me I need to go to a city college or something but I could not go there.

I immediately went back on the CAL CTP web site to look for another training facility to find that 95% are JATC and the other 5% don't seem to exist. I got in touch with Jack Yap at NLCAA and took his training course. Not only is his technology head and shoulders above ever one else, you will leave his class confident that you now have the skills and support to do the job properly. It would be a huge financial impact on not only my company but all other company's in my situation if the 11 NLCAA approval process is delayed. It is very important that item 11 NLCAA approval process is not delayed and you address this issue on your agenda on July 22nd.

I appreciate your time and attention to my matter.

Spencer Yount

Superintendent – Non-Union, Electrical Contractor

ATTACHMENT D

Babula, Jared@Energy

From: Commins, Tav@Energy
Sent: Thursday, May 01, 2014 9:57 AM
To: Jack
Subject: RE: Application Review

I talked to my boss and we are going to make this a top priority.

I will be out of the office on tues and wed doing training on the 2013 code.

After that staff will finish reviewing your application.

-----Original Message-----

From: Jack [<mailto:jack@nlcaa.org>]
Sent: Thursday, May 01, 2014 9:55 AM
To: Commins, Tav@Energy
Subject: Re: Application Review

Thanks

Sent from my iPhone

> On May 1, 2014, at 9:28 AM, "Commins, Tav@Energy" <Tav.Commins@energy.ca.gov> wrote:

>

> I was pulled off ATTCP by the Commissioners and assigned to do HERS review.

>

> The HERS review was just completed so will start your review soon.

>

> Tav

>

> -----Original Message-----

> **From:** Jack [<mailto:jack@nlcaa.org>]
> **Sent:** Thursday, May 01, 2014 8:52 AM
> **To:** Commins, Tav@Energy
> **Subject:** Application Review

>

> Hi Tav,

> Just checking to see if you are back on our application.

> There are a number of contractors throughout the State anxiously waiting. They are all non-union.

>

> Jack Yaop

>

>

>

> Sent from my iPhone

> Sent from my iPhone

>

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