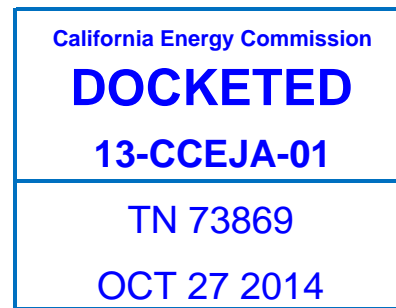




October 27, 2014

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512



**RE: Docket # 13-CCEJA-1, Comments on Proposition 39 Guidelines
Reconciling Title 24 & Proposition 39 for School Lighting Retrofits**

Dear Sir or Madam,

My firm provides Energy Management Services to California LEAs under the Proposition 39 program. To date, we have contracted with thirty-seven LEAs and have received approval on ten (10) Energy Expenditure Plans totaling over \$2.4 million in approved Proposition 39 funds. We are pleased to have the opportunity to offer comments and proposed changes to the program guidelines as they relate to Title 24 lighting requirements, per the California Energy Commission's solicitation for public comment.

The most recent Title 24 requirements stipulate that new lighting fixtures must be dimmable during hours in which natural light is sufficient to light a given space. In its initial conception, Title 24 requirements were related to new construction only, and were not applicable to retrofit projects. Most recently, the scope of Title 24 widened to include retrofit projects. We believe that Title 24 and the objectives of Proposition 39 are in direct conflict with one another in regard to lighting retrofits. Partially because of the low annual operating hours typical of public schools, the savings-to-investment ratio (SIR) of 1.05 for the Proposition 39 program is very difficult, if not impossible, for most schools to achieve if the dimming capability of lighting fixtures is required. Otherwise viable energy saving lighting projects will not meet the Proposition 39 SIR because of this conflict with Title 24 (ironically, a code requirement created with the aim of reducing energy usage and energy costs). Compounding the issue is that schools may have reflective or tinted window glazing with high shading heat gain coefficients (SHGC) that effectively negates the dimming capabilities of the Title 24-compliant lighting fixtures. In instances where Title 24-compliant lighting fixtures are installed in schools, more often than not, it is unlikely that the dimming capabilities (and therefore the energy savings) of the fixtures will



be realized unless the school's glazing is also replaced. It is our opinion that new glazing in a California schools, in almost all cases, will not result in an SIR of 1.05 either, given the very high cost of glazing retrofits.

We have had numerous discussions with school directors, administrators and other energy management firms working in Proposition 39, and there is great confusion and uncertainty about how to reconcile the Proposition 39 program guidelines with Title 24 requirements. Such confusion and uncertainty casts a pall over the marketplace, as decisions forward cannot be reached amongst the various parties to a transaction.

While we are fully cognizant that Title 24 and Proposition 39 are separate State government initiatives, it is our opinion that applying Title 24 to retrofit projects will have adversely unintended consequences in regard to school lighting retrofit projects funded under Proposition 39. We urge the California Energy Commission to seriously consider this issue expeditiously. If it is possible, short of legislation, to make an exception to Title 24 lighting dimming requirements for Proposition 39 lighting retrofit projects, we believe it would allow increased numbers of viable energy savings projects to be approved under the Proposition 39 program.

Thank you for your consideration of these comments and proposed changes. I would be pleased to discuss any portion of this correspondence with the California Energy Commission, at its convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "James E. Richmond", is written over a light blue horizontal line.

James E. Richmond, CEM, CEA, CMVP
President