

The program as it stands now is not obtaining the intended results.

**Compliance is low** – many realtors don't know about the program, other choose to ignore the requirement and still others are “negotiating” around it. A comprehensive and far-reaching education program is necessary.

**The 30-day life of the report is too short** – Ideally the Energy Use Disclosure Report should be ordered when the property is placed on the market. Yet the 30 day shelf life of the report works against doing so. The report should be valid for at least 90 days. The report uses 12 months of data, so the results do not change materially over 90 days.

The requirement that the **report be delivered at least 24 hours before execution of a contract is not realistic**, given the above. This “Before a Contract is Signed” requirement needs the use of a crystal ball to tell the future. Timing a report with only a 30 day shelf life and delivering it 24 hours before a contract is signed is just not realistic and leads to the low compliance.

Most commercial buildings on the market have tenants. Yet, **few tenants provide the required energy use information**. Most AB 1103 reports are being run with estimated usage, which does not provide much value to the owner – old or new. And, the estimated usage may be distorting the EPA database by which all percentile scores are based. Something has to change. The tenant must be required to provide the information (in some confidential way), either by mandate (the ordinance) or future leases must require the release of the tenant data (which will take years to see the effect). In the meantime estimates are being made with no guidelines to maintain uniformity or preserve the integrity of the EPA database.

**The Data Verification Checklist itself is very confusing to building owners**. It was designed for an entirely different purpose and does not fit the need. The CEC should design its own report, like San Francisco and others have done. Even the Statement of Energy Performance would be a better and more short-hand way of providing the energy use info (more of an executive summary that gets read, versus just checking a box that says the report was delivered).

**Currently the email from the CEC acknowledging the receipt of the Data Verification Checklist is inadequate**. All one receives is an email titled “Submission Confirmation” and a message that says, “Thank you for your submission. For any additional questions, please email [AB1103@energy.ca.gov](mailto:AB1103@energy.ca.gov). Have a great day!”. This is not much help when filing multiple DVC reports for multiple buildings, for tracking submissions, or in documenting to the client that the report has been submitted to the CEC. Can we go back to at least including the same subject that is in my originating email (the building name)?

Charles Orr  
Pegasus Benchmarking Services  
415-805-8950  
[Charles@pegasusbms.com](mailto:Charles@pegasusbms.com)  
[www.pegasusbms.com](http://www.pegasusbms.com)