

Comment Numbers	Topic	Commenter	Summary of the Comment	Were Changes Made?	The Commission's Response to the Comment
75249.001	Nonresidential CALGreen	CBPA	Commenter provides comments relating to changes in Title 24, Part 6.	N/A	These comments related to Part 6 neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language. Staff note that the rulemaking for Part 6 was a parallel but separate rulemaking proceeding, and that these comments were submitted to the docket for that proceeding as well. Staff therefore assumes that the commenter submitted their comments to both dockets in error.
75502.001	Nonresidential CALGreen	CBPA	Commenter provides comments relating to changes in Title 24, Part 6.	N/A	These comments related to Part 6 neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language. Staff note that the rulemaking for Part 6 was a parallel but separate rulemaking proceeding, and that these comments were submitted to the docket for that proceeding as well. Staff therefore assumes that the commenter submitted their comments to both dockets in error.
75527.001	Residential CALGreen	HCD	Early approval of specific portions of CALGreen ahead of the rest of the code may make coordinated changes difficult	N/A	Comment relates to an erroneous assumption that the proposed changes to Part 11 would be adopted ahead of review by the Code Advisory Committee. The proposed changes will be submitted to the Committee prior to adoption, and staff have communicated this to HCD.
75527.002	Residential CALGreen	HCD	Creating a Tier 3 level solely for efficiency would be inconsistent with the broader applicability of Tier 1 and 2	Yes	Commission staff worked with HCD to revise the language to avoid introducing a new Tier.
75527.003	Residential CALGreen	HCD	The Initial Statement of Reasons should provide an estimate of compliance costs, should local jurisdictions adopt the voluntary measures as mandatory local ordinances.	N/A	Staff finds that the ISOR does not require revision: the language in the Part 11 Appendices are voluntary, do not compel the adoption of any particular local ordinance, and do not, as adopted by the Energy Commission, have any compliance costs. Local jurisdictions are required under Public Resource Code section 25402.1(h)(2) and the administrative sections of the Standards (Cal. Code Regs Title 24, Part 1, Chapter 10 §106(b)(2)) to provide cost effectiveness analysis for proposed building-energy efficiency-related ordinances; the Energy Commission is not required to assume the specifics of any particular ordinance.

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75533.001	Residential CALGreen Local Ordinances	CBSC (duplicate of 75531)	The Initial Statement of Reasons should provide an estimate of compliance costs, should local jurisdictions adopt the voluntary measures as mandatory local ordinances. [Ed. note: this comment letter is a separately docketed copy of TN 75527.]	N/A	Staff finds that the ISOR does not require revision: the language in the Part 11 Appendices are voluntary, do not compel the adoption of any particular local ordinance, and do not, as adopted by the Energy Commission, have any compliance costs. Local jurisdictions are required under Public Resource Code section 25402.1(h)(2) and the administrative sections of the Standards (Cal. Code Regs Title 24, Part 1, Chapter 10 §106(b)(2)) to provide cost effectiveness analysis for proposed building-energy efficiency-related ordinances; the Energy Commission is not required to assume the specifics of any particular ordinance.
75534.001	Residential CALGreen Local Ordinances	CBSC	CBSC submitted edits to the proposed changes in Section A4.201.1 and A5.201.1 that clarifies the language in this section relating to approval of local ordinances.	Yes	Staff has incorporated the commenter's edits into the language
75548.001	Non-Residential Lighting	MaxLite	Commenter provides comments relating to changes in Title 24, Part 6.	N/A	These comments related to Part 6 neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language. Staff note that the rulemaking for Part 6 was a parallel but separate rulemaking proceeding, and that these comments were submitted to the docket for that proceeding as well. Staff therefore assumes that the commenter submitted their comments to both dockets in error.
75549.001	Residential CALGreen	CBIA	CBIA would request further clarification that this administrative responsibility includes (1) the development of a cost-effectiveness analysis and (2) an analysis showing the proposed mandate will achieve energy efficiency savings equal to or greater than those minimum efficiency standards required by the state.	No	The requirements specified by the commenter are stated in Title 24 Part 1 Section 10-106, which is directly referenced in the current language. Staff therefore finds that duplicating regulatory language as requested by the commenter would not be appropriate.
75549.002	Residential CALGreen	CBIA	[For Section A4.203.1.1.3.1], has the CEC ensured that there is adequate supply of this product on a statewide basis and also insured that it is indeed reasonable (cost effective) for ALL permanently installed lighting to be controlled by vacancy sensors?	Partially	Staff removed the referenced language relating to lighting as part of aligning the CALGreen code with updates to the lighting requirements in Part 6.
75549.003	Residential CALGreen	CBIA	[For Section A4.203.1.1.3.4], regarding the proposed requirement for all outdoor lighting for residential parking lots to be high efficacy; has the CEC adopted a related definition for what constitutes a residential "parking lot"?	Yes	Staff removed the referenced language relating to lighting as part of aligning the CALGreen code with updates to the lighting requirements in Part 6.

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75549.004	Residential CALGreen	CBIA	CBIA suggests that both "percentage increase" and EDR be pathways for the 2016 California Green Code.	Yes	Staff has provided both pathways in the 15-Day Language.
75549.005	Residential CALGreen	CBIA	it would seem appropriate for the CEC to include, at a minimum, an estimated cost of compliance for Tier 3.	N/A	The language in the Part 11 Appendices are voluntary, do not compel the adoption of any particular local ordinance, and do not, as adopted by the Energy Commission, have any compliance costs. Local jurisdictions are required under Public Resources Code section 25402.1(h)(2) and the administrative provisions of the Standards (Cal. Code Regs., tit. 24, pt. 1, ch. 10, §10-106(b)(2)) to provide cost-effectiveness analyses for proposed building-energy-efficiency-related ordinances; the Energy Commission is not required to assume the specifics of any particular ordinance.
75563.001	Residential Lighting	Juno Lighting Group	Commenter provides comments relating to changes in Title 24, Part 6.	N/A	These comments related to Part 6 neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language. Staff note that the rulemaking for Part 6 was a parallel but separate rulemaking proceeding, and that these comments were submitted to the docket for that proceeding as well. Staff therefore assumes that the commenter submitted their comments to both dockets in error.
75564.001	Residential CALGreen	Local Government Sustainable Energy Coalition	it is not necessary to tie "Tier 3" to achieving the 30% energy budget reduction of "Tier 2."	Partially	California's loading order prioritizes efficiency over renewables, and staff therefore finds that specifying a minimum level of achievable efficiency is appropriate. Staff have edited the specifications for certain climate zones and building types to make the designation available if Tier 1 is met, rather than Tier 2.
75616.024	Residential PV Credit	Benningfield Group	Asked if PV Credit would apply to MF projects?	N/A	These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.

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75616.025	Residential PV Credit	NRDC	Will we publish methodology for calculating PV credit?	N/A	<p>These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language. Staff provided the following response at the hearing where the question was asked:</p> <p><i>MR. SHIRAKH: It will be part of the ACM reference manuals, that's where it will be.</i></p> <p><i>MR. WILCOX: I was just going to say it's going to be in the ACM reference manual.</i></p> <p><i>MS. WALTNER: Okay. And that'll be a public process where we'll be able to review and comment again?</i></p> <p><i>MR. SHIRAKH: Yes. (P209)</i></p>
75616.026	Residential PV Credit	SunPower	Supported the PV Credit. ICC has a similar compliance path. Wants to work with staff on technical details.	N/A	<p>These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.</p>
75616.027	Residential PV Credit	CBIA	Supports PV Credit. NSHP will expire and it is important to have a compliance credit to move small and medium builders towards PV.	N/A	<p>These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.</p>
75616.028		CBIA	Wants the functionality in CBECC as soon as possible.	N/A	<p>These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.</p>
75616.029	Residential PV Credit	CBIA	Commenter supports the development of the ACM reference manual and the potential inclusion of compliance credit for solar photovoltaics.	N/A	<p>These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.</p>
75616.031	Residential PV Credit	George Nesbitt	Wanted PV system verified by a HERS Rater.	No	<p>These comments related to HERS verification of photovoltaic systems neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.</p>

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75616.032	Residential PV Credit	George Nesbitt	PV credit allows you to build a non-code house		These comments related to the calculation of photovoltaic systems within Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.
75623.002	Residential CALGreen EDR	CBIA	Very supportive of Energy Design Rating. Should be optional, rather than replacing the 15-30%, as a more justified change in 15-day language.	Yes	Staff incorporated Energy Design Rating in a manner consistent with the commenter's request.
75623.003	Residential CALGreen	CBIA	Don't want Tier 3 name; recommends "Advanced Energy Tier", is accepting of "ZNE Tier", but would prefer not to set inappropriate expectations in customers.	Yes	Staff edited the section language relating to ZNE Design to be an elective designation available to buildings meeting existing Tiers rather than being its own separate Tier, consistent with the commenter's request.
75623.004	Residential CALGreen	CBIA	Wants beta version of CBECC to examine design ratings.	N/A	These comments are related to Energy Commission compliance software; they neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language.
75623.005	Residential CALGreen	CBIA	Cost analysis for building standards are required under AB 1612 and SB 401, and this also applies to voluntary CALGreen measures	N/A	<p>The CALGreen provisions do not qualify as regulations under the Administrative Procedure Act (APA) or as building standards under the Building Standards Law because they are voluntary, are not rules of general application, and are not enforced by the Energy Commission. Because the CALGreen provisions are not regulations, the Energy Commission has discretion in how it adopts them. In addition, the voluntary CALGreen provisions do not have a definite economic or fiscal impact; there is no cost to comply with voluntary provisions. If a local jurisdiction wants to adopt any of the CALGreen provisions, in effect making them regulations, the local jurisdiction must demonstrate that the provisions are cost effective before it can enforce the provisions.</p> <p>Assembly Bill 1612 amended sections 11346.2 and 11346.5 of the APA and Senate Bill 401 also amended section 11346.2 of the APA. Because the CALGreen provisions are voluntary and are neither regulations nor building standards, the Energy Commission is not required to complete a cost of compliance analysis. Neither the statutory text of Government Code section 11346.2 nor section 11346.5 addresses or supports Mr. Raymer's comment as it relates to the CALGreen voluntary provisions.</p>

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75623.006	Residential CALGreen EDR	Jon McHugh	Supports EDR, should call the proposed Zero Net Energy Design specification a ZNE Tier rather than Tier 3. By doing so, then it's the state, not the builder, asserting ZNE.	Partially	Staff edited the section language relating to ZNE Design to be an elective designation available to buildings meeting existing Tiers rather than being its own separate Tier, consistent with the commenter's request that the designation not be referred to as Tier 3.
75623.007	CALGreen	Jon McHugh	No reason to put Part 6 requirements in Part 11.	Yes	Staff removed the language referred to by the commenter to align Part 11 with Part 6, consistent with the commenter's request.
75623.008	CALGreen	Jon McHugh	Buildings should get Tier 2, then add PV to get ZNE distinction	Partially	Staff identified two circumstances (buildings in climate zones 6 & 7, and low-rise multifamily buildings in climate zones 3 & 5) where buildings would not be able to achieve Tier 2. In these circumstances the buildings must achieve Tier 1 rather than Tier 2. Staff have retained the Tier 2 specification for all other circumstances, consistent with the commenter's comment of support.
75623.009	Residential CALGreen EDR	Jon McHugh	Great move to harmonize EDR with RESNET	N/A	Staff appreciate this comment of support for their efforts.
75623.010	Residential CALGreen	George Nesbitt	In the published 45-day language the terminology refers to not only the design rating but also Title 24, which is regulated loads and doesn't really include what's in the design rating. So I think if you go to the terminology of just using "rating" that becomes clear.	No	Part 11 uses the term "design rating" consistently in both the 2013 and 2016 versions of these regulations. Staff does not find that the term "rating" is used alone; staff thus finds that the commenter's concern is already addressed by the existing language and that no change is necessary.
75623.011	Residential CALGreen	George Nesbitt	You're requiring an improvement [15 or 30 percent lower energy budget under Title 24], but is that an improvement only under the Title 24 regulated loads? Or is that an improvement on the design rating calculated loads?	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. Nevertheless, staff answered the commenter's question: the improvement is of regulated loads under Title 24, and that are therefore included in the building's energy budget.
75623.012	Residential CALGreen EDR	George Nesbitt	EDR should come from HERS rater	No	The Energy Design rating is a design rating, meaning that it is a rating based on the building's design prior to construction. A HERS Rater would therefore not be involved at this step: HERS Rating applies after the building is constructed, and the HERS Rater would, at that point, verify the installation and operation of the measures included in the building design and necessary for it to achieve its design rating.

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75623.013	Residential CALGreen EDR	ConSol	Commenter supports EDR, should align with national rating/score (RESNET).	Partially	Staff developed an EDR-based path and included it in the proposed 15-day language. This path is nonspecific with regards to calculation of the Energy Design Rating other than aligning it with the Title 24 energy budget; this provides flexibility to align with RESNET consistent with the commenter's request.
75623.014		ConSol	Change is significant enough that it risks new 45-day period, thus recommends retaining 15-30% option.	Yes	The 15-day language retains the existing pathways, consistent with the commenter's request, and only includes EDR as an option. The proposed language also does not specify an explicit EDR score that would be required, and instead states, in general terms, that the EDR must show that the 15 or 30 percent targets in the existing paths are achieved. Staff find that providing this option helps to streamline compliance without imposing new requirements, consistent with the Notice of Proposed Action, and therefore is appropriate to include in 15-day language.
75623.015	Residential CALGreen EDR	Benningfield Group	Need to ensure EDR applies appropriately to multifamily, both low-rise and high-rise	Partially	The proposed language relating to EDR applies to low-rise residential, consistent with its inclusion in Section A4.203. Staff did not find that adding identical language to Section A5.203, which applies to nonresidential, high-rise residential, and hotel-motel buildings, would be appropriate; such requirements would need to apply to nonresidential buildings as well as high-rise residential buildings, and staff was not able to determine that a unified EDR that applies to both types of buildings either exists currently or would be appropriate to establish.
75623.016	Residential CALGreen EDR	NRDC	Commenter feels it would be a great move to harmonize EDR with RESNET	Partially	Staff developed an EDR-based path and included it in the proposed 15-day language. This path is nonspecific with regards to calculation of the Energy Design Rating other than aligning it with the Title 24 energy budget; this provides flexibility to align with RESNET consistent with the commenter's request.
75623.017	Residential CALGreen EDR	Enercomp	Instead of a table of EDR values, have language that says "must meet a design rating that is based on 15/30% levels as specified in ACM Reference Manual"	Yes	Staff phrased the EDR specification consistent with the commenter's request.

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75898.001	Residential CALGreen	Progress Lighting	Commenter provides comments relating to changes in Title 24, Part 6.	N/A	These comments related to Part 6 neither object to specific language in the proposed regulation in Title 24, Part 11, nor make a recommendation to modify the proposed language. Staff note that the rulemaking for Part 6 was a parallel but separate rulemaking proceeding, and that these comments were submitted to the docket for that proceeding as well. Staff therefore assumes that the commenter submitted their comments to both dockets in error.
75919.003	Residential CALGreen	HCD	It is not clear whether "Proposed Design Building" is used in the nonresidential section to accommodate actual (versus "standard") lighting power for the high-rise residential and hotel/motel buildings	Yes	Staff made a correction to this language in the residential section, but neglected to make the same correction to the nonresidential Section. Staff has now done so.
76095.059	Residential PV Credit	CBIA	CBIA strongly supports this increasing amount of the existing compliance credit that can be gained from the use of rooftop solar PV for several reasons.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
76095.060	Residential PV Credit	NRDC	NRDC has supported the concept of a limited PV credit, but believe the details on this are really important and so we'd like to see this developed in an open and transparent process and specifically would like 45-day language on the PV Credit.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
76095.061	Residential PV Credit	ACC	We share concerns with others in the Building Energy Efficiency community regarding a proposed compliance credit tradeoff between PV systems and building thermal envelope requirements.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.



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76095.062	Residential PV Credit	NAIMA	I want to focus my comments today on the changes to the 2016 Title 24 Energy Efficiency Standards that are not explicitly detailed in the documents that you are considering today. I'm referencing the Draft PVCC outline that was first presented to the public at a meeting on March 2nd. This compliance credit allows a builder to avoid complying with the new high performance attic and wall insulation requirements when a rooftop PV system is installed. NAIMA is concerned with the lack of public transparency behind this proposal, particularly when it's inconsistent with California's longstanding energy policy of the past decade.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
76095.063	Residential PV Credit	NAIMA	We're also concerned with the proposed outline of PVCC on substantive grounds. On process, there's been a lack of opportunity for public review and engaged comment prior to the adoption of a policy which allows power generation to be substituted for improved energy efficiency.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
76095.064	Residential PV Credit	NAIMA	Our reasons for concern of this PVCC are many, but I'd like to focus on two. First, the proposal undercuts California policy prioritizing energy efficiency over power generation for projects funding and policy. Second, while the credits being proposed is outside the mandatory Code requirements and therefore does not require a cost benefit analysis, our independent analysis of the proposal shows it to be significantly less cost-effective in most climate zones than the new envelope efficiency requirements that it will be traded against in the vast majority of these climate zones.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
76095.066	Residential PV Credit	NAIMA	This proposal [of a PV compliance credit] allows for a significantly larger credit and allows for the construction of a less efficient home so long as the roof is made available for power production. That's a policy that deeply troubles us and we believe the Commission should give great pause before moving down this path.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.

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76095.067	Residential PV Credit	NAIMA	I ask the Commission to proactively and publicly ensure that the proposed PVCC does not proceed without establishing a clear, open and deliberative process for its full evaluation.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
76095.069	Residential PV Credit	PG&E	Commenter supports the PV Compliance Credit	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. The ACM Reference Manual is not part of the current rulemaking proceeding; comments relating to the Reference Manual, CBECC Compliance Software, or the PV credit proposed for inclusion in these materials are therefore not related to this rulemaking.
	Residential CALGreen Lighting	PG&E	Commenter would like to know what lighting requirements replaced the requirements that were proposed to be removed from the existing provisions	N/A	The lighting requirements that were removed from the existing voluntary provisions were removed because the high efficacy lighting requirements have become mandatory requirements Title 24, Part 6 and therefore there was no need to have nearly identical lighting requirements in the voluntary energy provision of Part 11. There were no new lighting provisions proposed for the voluntary energy provisions of the Part 11.
	Residential CALGreen	PG&E	Commenter would like to have prescriptive requirements replace the performance based approach used show compliance with these voluntary above code provisions.		Commenters proposal would have the effect of changing a performance based approach, to a prescriptive approach. Making this change would reduce flexibility and local discretion in adoption locally appropriate above code ordinances. Staff does not find that doing so provides any clear benefit to local jurisdictions considering local ordinances under Section A4.201 or Section A5.201. Staff therefore does not find that making the proposed change would be appropriate; staff would instead encourage consideration of these measures by local jurisdictions in their formulation of local ordinances under these sections where not preempted by federal appliance law.

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	Residential CALGreen	Sean Armstrong	The commenter would like for natural gas to be valued differently in the calculation of TDV.	N/A	These comments and questions neither object to specific language in the proposed regulation nor make a recommendation to modify the proposed language. TDV is not defined in the sections included in this rulemaking.