

## DOCKETED

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<b>Filer:</b>	David Ismailyan
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# Scoping Workshop: Building Energy Use Benchmarking and Public Disclosure

November 10, 2015

California Energy Commission



## Housekeeping

- Emergency Exits
- Restrooms
- Snack Bar



# Agenda

10:00 a.m.	Welcome, housekeeping, and agenda
10:15 a.m.	AB 1103 program conclusion and transition to AB 802, summary of lessons learned
10:30 a.m.	Rulemaking order of events and opportunities for public participation
11:15 a.m.	Overview of AB 802 provisions related to building energy use disclosure and benchmarking
11:45 a.m.	Discussion and Questions
12:00 p.m.	Lunch break
1:30 p.m.	Scope of Energy Commission regulations
2:30 p.m.	Discussion



## **AB 1103 Repealed January 1, 2016**

- Requirement to disclose energy use at time of sale, lease, or finance (AB 1103) will remain in effect through December 31, 2015.
- There will be no building energy use disclosure requirement during 2016.
- Data gathered during the AB 1103 program will remain confidential and will not be disclosed under the new program.



## AB 1103 Lessons Learned

- A simple process for building owners to get energy usage data from utilities is critical for program success.
- Data collection and reporting should not interfere with real estate transactions, but disclosure should drive demand for energy efficient buildings.
- Tenant input is desired in the rulemaking process.



## Rulemaking Order of Events

- Ongoing:
  - Pre-rulemaking workshops to produce draft regulations.
  - Infrastructure planning and development.
  - Outreach.
- 45-day public comment period on regulations submitted to OAL.
- 15-day public comment period, if necessary.
- Office of Administrative Law/Secretary of State approval.
- Regulations go into effect.



## Program Purpose

“Building owners should have access to their buildings’ energy usage information, which enables understanding of a building’s energy usage for improved building management and investment decisions.”

-AB 802, Section 1





## **Benchmarking Rulemaking Scope**

1. Clarify the obligations of utilities to disclose energy consumption data to owners, agents, and operators of covered buildings.
2. Identify what building characteristic, energy usage, and operational data needs to be collected, how it should it be collected, and what information should be made public.
3. Specify when and how energy use benchmarking will be publicly disclosed.



## Statutory Definitions

- Benchmark - *To obtain information on the energy use in an entire building for a specific period to enable that usage to be tracked or compared against other buildings.*
- Covered building
  - a) *Any building with no residential utility accounts.*
  - b) *Any building with five or more active utility accounts, residential or nonresidential.*

- PRC 25402.10(a)



## Statutory Definitions (continued)

- Energy – *Electricity, natural gas, steam, or fuel oil sold by a utility to a customer for end uses addressed by the ENERGY STAR Portfolio Manager system.*
  - ENERGY STAR Portfolio Manager – *The tool developed and maintained by the United States Environmental Protection Agency to track and assess the energy performance of buildings.*
- PRC 25402.10(a)



## **Benchmarking Requirements for Utilities**

1. On and after January 1, 2016: Maintain records of energy usage data.
2. No later than January 1, 2017: Provide energy usage data to the owner, agent, or operator of a covered building on request.



# Data Access and Public Disclosure Requirements

Utility Accounts	1-2		3-4		5-16		17+	
Building Type	Res or Mixed	Nonres	Res or Mixed	Nonres	Res or Mixed	Nonres	Res or Mixed	Nonres
Whole-Building Data Access Required from Utilities?	NO	With Customer Permission	NO	YES	YES	YES	YES	YES
Disclosure to CEC and public*	Voluntary	TBD*	Voluntary	YES* (50k+ sf)	Voluntary	YES* (50k+ sf)	YES*	YES* (50k+ sf)

\* Energy Commission will determine what gets publicly disclosed

-PRC 25402.10 (c) & (d)



## **Benchmarking Requirements for the Energy Commission**

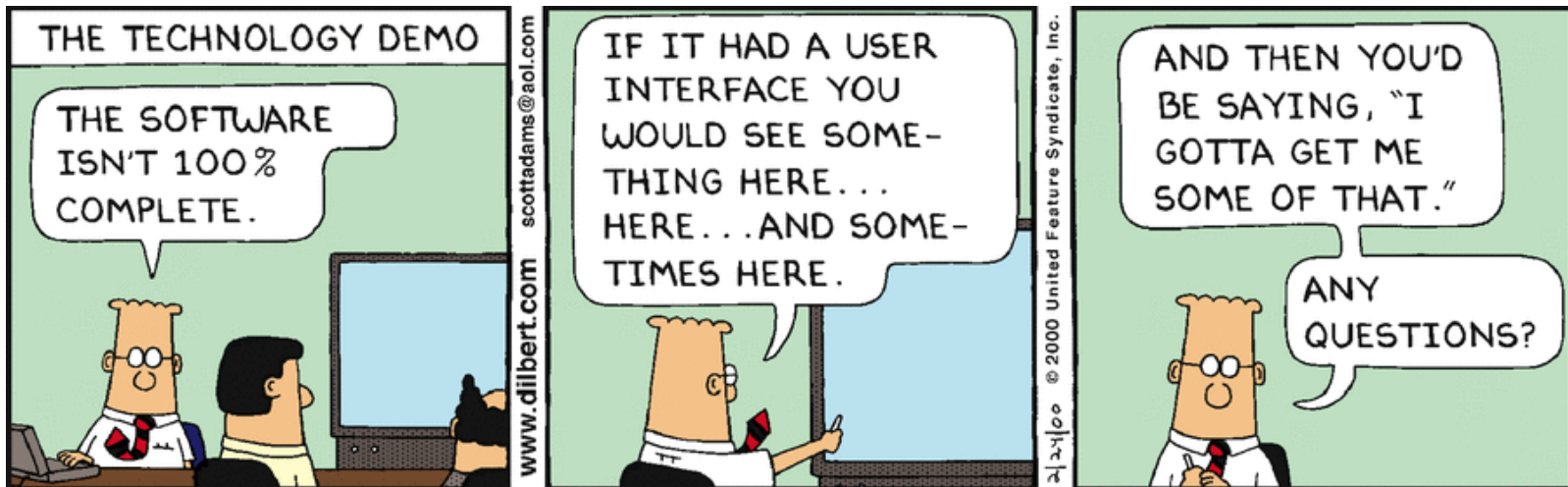
1. Specify the manner in which customer permission shall be requested when necessary.
2. Determine public disclosure requirements for nonresidential buildings with one or two utility accounts.
3. Determine what information gets publicly disclosed.
4. Determine whether compliance with a local or county benchmarking program fulfills the statewide requirements.



## **Energy Commission Benchmarking Requirements (Continued)**

5. Develop tools and metrics for public reporting.
6. Establish the infrastructure to collect energy usage data, analyze it, and publicly report selected metrics.
7. Enforce compliance with the program.

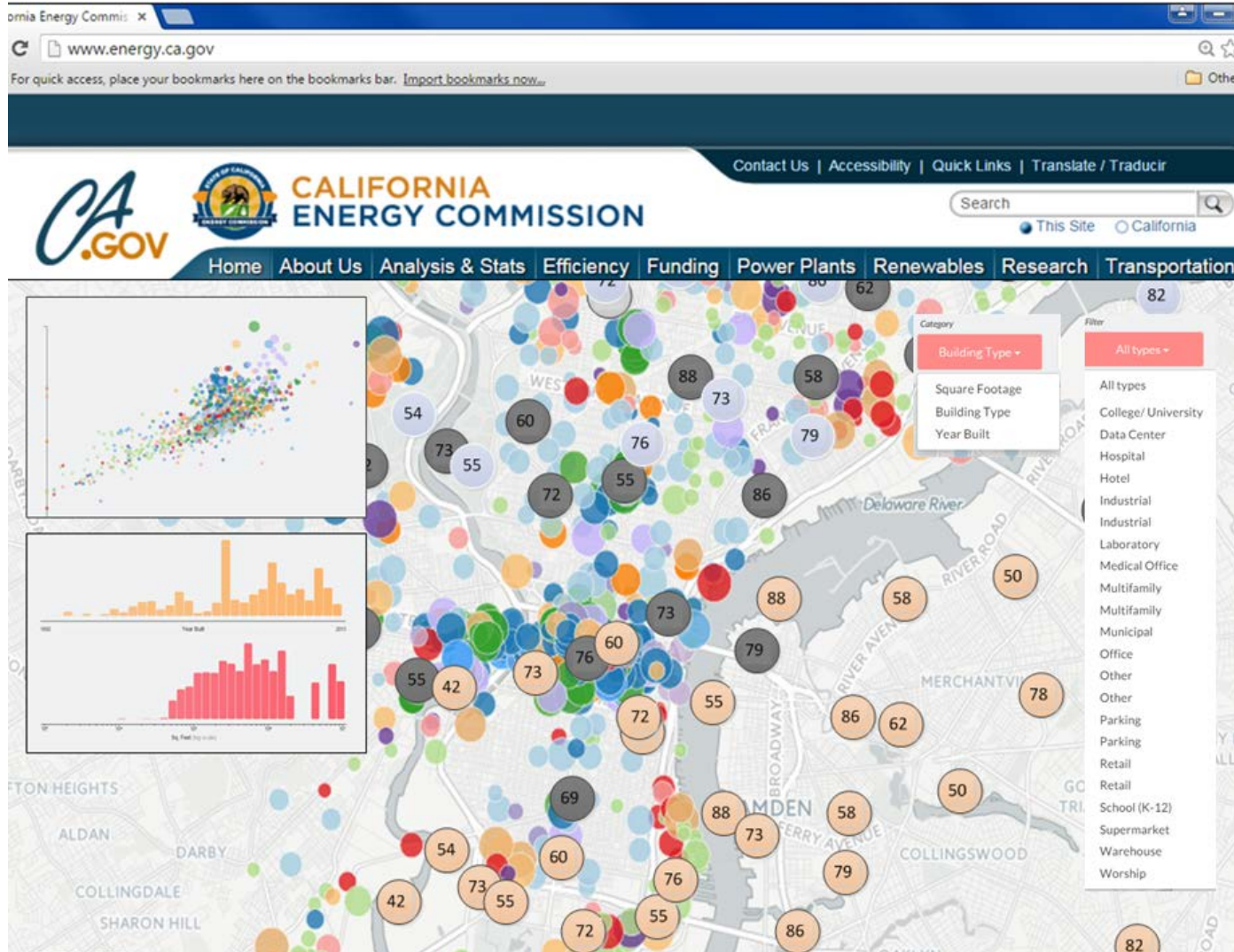
## A Moment of Levity







# Mock-Up: Public Website Draft Vision





## Discussion and Questions

- In room
- WebEx
- Phone



**LUNCH BREAK**  
**12 p.m. – 1:30 p.m.**



# Rulemaking Scoping Questions

## Utility Data Access

1. By when should all utilities be required to match buildings to meters?
2. By when should utilities implement data exchange services with Portfolio Manager?
3. How should utilities confirm whether a data request is from a building owner?
4. How should “utility account” be defined when multiple fuel types are under the same account?



## **Rulemaking Scoping Questions (Continued)**

### **Tenant Involvement**

5. How can tenant participation in the rulemaking process be encouraged?
6. How do building owners obtain operational characteristics from tenants? How can this process be improved?
7. What should be the Energy Commission's role in helping building owners obtain tenant information for benchmarking?



## **Rulemaking Scoping Questions (Continued)**

### **Tenant Involvement (Nonresidential, 1-2 Utility Accounts)**

8. When a tenant chooses to provide data, what should the public disclosure obligation be for the building owner?
9. When a tenant chooses not to provide data, what should the public disclosure obligation be for the building owner?



## **Rulemaking Scoping Questions (Continued)**

### **Disclosure to the Energy Commission and Public**

10. What is the easiest way for a building owner to get the benefits of benchmarking?
11. Is annual disclosure to the Energy Commission appropriate?
12. When should a building's benchmark first be publicly disclosed?



## **Rulemaking Scoping Questions (Continued)**

### **Disclosure to the Energy Commission and Public**

13. Is monthly weather-adjusted energy use intensity appropriate for public disclosure?
14. What unique program elements would lead to higher rates of energy efficiency improvements and program compliance?
15. How should public disclosure of building benchmarks be used to drive real estate demand for energy efficient buildings?





## **Please include in your comments:**

### **Utilities**

1. How many covered buildings are in your service territory? (Please provide multi-family, mixed-use, and nonresidential numbers separately.)
2. What is your anticipated cost for fulfilling data requests (1) with Portfolio Manager Data Exchange Services, and (2) with manual upload to Portfolio Manager\*? Please provide details on how these costs were derived.
3. What aggregation protocols do you plan to use? Please provide technical specifications if developed.
4. What is your implementation plan for matching buildings to meters by January 1, 2017?

*\*Only provide if not currently subscribed to Data Exchange Services.*



## **Please include in your comments:**

### **All stakeholders**

- Respond to the scoping questions that apply to you.



## Open Comment Period

Written comments for Docket No. 15-OIR-05 are due by 4 p.m. on **December 31, 2015**.

Go to [www.energy.ca.gov/benchmarking](http://www.energy.ca.gov/benchmarking) and click “Submit e-Comment on 15-OIR-05”

**Erik Jensen**  
(Regulation development)  
(916) 654-4166  
[Erik.Jensen@energy.ca.gov](mailto:Erik.Jensen@energy.ca.gov)

**Laith Younis**  
(Infrastructure development)  
(916) 654-4015  
[Laith.Younis@energy.ca.gov](mailto:Laith.Younis@energy.ca.gov)