

DOCKETED

Docket Number:	15-OIR-05
Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
TN #:	206689
Document Title:	Order Instituting Rulemaking Proceeding
Description:	N/A
Filer:	Tiffani Winter
Organization:	California Energy Commission
Submitter Role:	Energy Commission
Submission Date:	11/19/2015 10:14:37 AM
Docketed Date:	11/19/2015

CALIFORNIA ENERGY COMMISSION

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**STATE OF CALIFORNIA
 ENERGY RESOURCES CONSERVATION
 AND DEVELOPMENT COMMISSION**

In the matter of:)	Docket No. 15-OIR-05
)	
Building Energy Use Benchmarking and Public Disclosure Program)	ORDER INSTITUTING RULEMAKING PROCEEDING
)	
)	Order No. 15-1112-7

The California Energy Commission (Energy Commission) hereby adopts an Order Instituting a Rulemaking Proceeding (OIR), directing the Lead Commissioner for Efficiency and the Executive Director to take appropriate steps under the law, including Public Resources Code Section 25213, to propose and adopt revised regulations for the Energy Commission's Building Energy Use Benchmarking and Public Disclosure Program (Program), which implements Public Resources Code (PRC) Section 25402.10, as revised by Assembly Bill 802 (Williams, Chapter 590, Statutes of 2015).

I. BACKGROUND

AB 802 revises PRC Section 25402.10 to require utilities to provide energy consumption data of covered buildings to the owners of those buildings upon request, and further requires the Energy Commission to establish a public benchmarking program for certain buildings. AB 802 goes into effect on January 1, 2016, and will supersede the existing Nonresidential Building Energy Use Disclosure Program implemented by the Energy Commission pursuant to Assembly Bill 1103 (Saldana, Chapter 533, Statutes of 2007).

II. AUTHORITY

This action is taken pursuant to Public Resources Code Sections 25213 and 25402.10, and Title 20, Section 1220 et seq. of the California Code of Regulations.

III. NATURE AND PURPOSE OF THIS PROCEEDING

The purpose of this OIR is to adopt program regulations to implement Public Resources Code section 25402.10, as revised by AB 802.

The Energy Commission anticipates filing the proposed regulations with the Office of Administrative Law and initiating a rulemaking process, by publishing a Notice of Proposed Action in the California Regulatory Notice Register, and following the

procedures set forth in the Administrative Procedures Act in Government Code Sections 11340 et seq.

As the Lead Commissioner for Efficiency, Commissioner Andrew McAllister will lead this proceeding. The Lead Commissioner and staff may conduct workshops and hearings before or after initiating the rulemaking process.

IV. FUTURE WORKSHOPS OR HEARINGS

The Energy Commission may hold additional workshops or hearings to address these regulations. If additional workshops or hearings are scheduled, they will be publicly noticed and in accordance with applicable laws. Remote access will be available by WebEx or telephone, and any person present at the workshops shall be afforded reasonable opportunity to make comments orally and to submit written comments.

V. PROCEDURE FOR FILING COMMENTS IN THIS PROCEEDING

In the course of this proceeding, the Energy Commission will solicit public comments. Any interested person may present oral comments at any hearing or workshop held pursuant to this proceeding.

Written comments may be submitted by visiting <http://www.energy.ca.gov/benchmarking> and clicking the "**Submit e-Comment**" link.

Written comments may also be submitted by handing them to the Public Adviser, e-mailing them to the Dockets Office, or mailing them to:

California Energy Commission
Dockets Office, MS-4
Re: 15-OIR-05
1516 Ninth Street
Sacramento, CA 95814-5512

Please include the rulemaking docket number, 15-OIR-05, and indicate "Building Energy Use Disclosure Program Rulemaking Proceeding" in the subject line or first paragraph of your comments.

Written comments may be posted to the Energy Commission's website for the proceeding. Please note that your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email, etc.) become part of the viewable public record. This information may become available via Google, Yahoo, and any other search engines.

VI. PUBLIC PARTICIPATION

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to

participate in this forum, please contact the Public Adviser, Alana Mathews, at PublicAdviser@energy.ca.gov or (916) 654-4489 (toll free at (800) 822-6228).

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989.

CERTIFICATION

The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on November 12, 2015.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott
NAY: None
ABSENT: None
ABSTAIN: None



TIFFANI WINTER,
Secretariat