

DOCKETED

Docket Number:	15-OIR-05
Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
TN #:	206713
Document Title:	California Business Properties Association Comments for Support for AB 802/Reformation of Benchmarking Statute
Description:	N/A
Filer:	Patty Paul
Organization:	California Business Properties Association/Rex Hime
Submitter Role:	Public
Submission Date:	11/20/2015 11:35:01 AM
Docketed Date:	11/19/2015



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November 18, 2015

CALIFORNIA ENERGY COMMISSION

AB 1103/AB 802 Docket

Sent Via Email - docket@energy.ca.gov

Re: Support for AB 802/Reformation of Benchmarking Statute

California Energy Commission:

On behalf of the California Business Properties Association I am writing to thank the many constituencies that have worked together for years to assure that the state's mandatory benchmarking law functions in a manner that helps the state reach its energy efficiency goals, while not unnecessarily intruding on real estate transactions. We applaud Governor Brown, Assemblymember Williams, and Commissioner McAllister for their leadership bringing this statutory reform to fruition in a bi-partisan manner.

The Energy Commission has consulted with the AB 1103 Stakeholder Group throughout the process as they worked to adopt and refine regulations. This has been an ongoing process since 2007. Unfortunately, the language of the original statute did not work as efficaciously as intended. But instead of pressing forward with a statute that was not meeting expectations, those years of learning and experience were put into AB 802, which "course corrects" the statute in a manner that we believe will work much better for owners and managers of commercial properties and their tenants.

CBPA members have actively worked on policy issues related to this area of law since the idea was first widely discussed in the Legislature in 2007. Throughout this entire period CBPA has been actively engaged in the AB 1103 Stakeholder Group convened by the Energy Commission and in the formal regulatory process and have consistently delineated our concerns with the statute. We applaud the state for addressing those issues.

Some have stated that implementation issues related to the previous statute stemmed from how the regulations were written. This is not something we agree with. The difficulties our members encountered were based in statute, Section 25402.10 of the Public Resources Code, and resolving those issues could only happen through legislation. The Energy Commission did their best but their actions were ultimately constrained by a statute that was well intended but could not anticipate the many issues that arose during implementation. That is why AB 802's measured and consensus-based reforms are so welcome.

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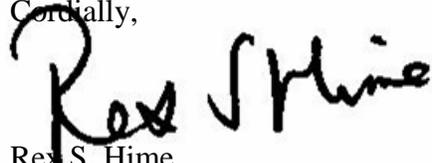
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This is a complicated area of policy and we look forward to continuing to work with the CEC and other stakeholders to make sure the regulations that are adopted for AB 802 can be cost-effectively implemented by our members while also advancing the strategic goals for the state to become more energy efficient.

CBPA is the designated legislative advocate for the International Council of Shopping Centers (ICSC), NAIOP of California, the Commercial Real Estate Developers Association (NAIOP), the Building Owners and Managers Association of California (BOMA), the Retail Industry Leaders Association (RILA), the Institute of Real Estate Management (IREM), the Association of Commercial Real Estate – Northern and Southern California (ACRE), the National Association of Real Estate Investment Trusts (NAREIT) and the California Association for Local Economic Development (CALED). CBPA currently represents over 10,000 members, making it the largest consortium of commercial real estate professionals in California.

Cordially,

A handwritten signature in black ink that reads "Rex S. Hime". The signature is written in a cursive style with a large initial "R".

Rex S. Hime
President & CEO

cc: CBPA Board of Directors and Advisory Board
Assemblymember Williams