

DOCKETED

Docket Number:	15-OIR-05
Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
TN #:	210598
Document Title:	San Diego Energy Desk Comments: Client Advisory, SmallBusinessMatter, March 2, 2016
Description:	N/A
Filer:	System
Organization:	San Diego Energy Desk/Randy J. Walsh
Submitter Role:	Public
Submission Date:	3/2/2016 5:08:33 PM
Docketed Date:	3/3/2016

Comment Received From: Randy J. Walsh

Submitted On: 3/2/2016

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Additional submitted attachment is included below.

CLIENT ADVISORY: SMALLBUSINESSESMATTER

March 2, 2016

For more than 4 years now, on behalf of my firm, San Diego Energy Desk, and my growing client base, I have been deeply involved in the implementation of AB 1103, California's Nonresidential Building Energy Use Disclosure Program. Over this time, I have demonstrated good faith effort in crafting a workable and impactful regulation by providing the California Energy Commission with thoughtful suggestions for programmatic improvements and most recently by participating in 2 publically-noticed staff workshops held in 2015 to draft potentially significant revisions to the regulation. Over this same period of time, I demonstrated my commitment to full and productive implementation of AB 1103 by presenting topical workshops for commercial real estate professionals, generating editorial pieces in major trade publications and finally, producing accurate and timely AB 1103 compliance documents for clients around the State of California.

- **Based on the secret, unannounced and urgent last-minute repeal of AB 1103 in September 2015, it is evident that the California Energy Commission was not making the same commitment to niche firms like San Diego Energy Desk or to other small business owners throughout the State who were working diligently to bring clients into compliance with the AB 1103 requirements – despite the roadblocks created by the California Energy Commission.**

Commercial property owners and tenants, as a result of the repeal of AB 1103, have lost the right to receive energy use data on potential purchases or occupancies, and compliant property owners have lost the right to keep the results of the energy efficiency reporting private between the parties to the transaction. These are important aspects of AB 1103 and were borne from the original legislative language and not the progressively unworkable regulatory language promulgated by the California Energy Commission.

- **By supporting the repeal of AB 1103, the California Energy Commission proved a lack of commitment to the commercial real estate industry. This isn't surprising based on their tone-deafness to constructive feedback, ignorance of advice offered by commercial real estate professionals, their repeated postponement of implementation and ill-advised scaling back of program guidelines – for more than 7 years.**

With a decision of this magnitude, it is reasonable to assume there was a body of conclusive evidence to support the repeal of AB 1103 and justify the elimination of the commercial property owner's and tenant's rights to data and privacy of that data. After 5 months of digging, I am disappointed to inform you that no such evidence exists. After multiple attempts to communicate with the California Energy Commission, Assemblymember Das Williams' staff, the State Assembly Rules Committee and the Office of the Governor, my repeated requests to identify the source of the repeal language and the data to support the repeal have turned up nothing except for -

- **An internal document from the California Energy Commission which showed significant and steadily growing compliance with AB 1103 - as of February 2015.**

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Clearly, there is something amiss here. Based on the results of my research, I have again written to Governor Jerry Brown, requesting his immediate intercession in halting any further discussion, negotiation, planning or communication by anyone within his administration or within the California Energy Commission related to commercial building energy use disclosure programming that is not based on strong research, solid analysis and accurate facts. You can read my latest missive by linking to the Communications page of sdenergydesk.com ([Correspondence from San Diego Energy Desk to Governor Jerry Brown](#)).

While I don't claim to represent any special interests, I do have a special interest in protecting my business and my clients from irresponsible or destructive legislative or regulatory actions. In the absence of any constructive or influential voice representing the best interests of my business or my clients while the State of California and the California Energy Commission struggle to navigate this new territory of commercial building energy use disclosure, I plan to continue my research and will keep you informed of the results.

Please share your thoughts or consider adding your own voice to the conversation. Thanks for your time.

As always, ready when you are...



Randy J. Walsh CCIM, LEED AP

Chief Efficiency Optimizer, San Diego Energy Desk