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Staff Proposal to Implement Building Energy Use Data Access and Public Disclosure Provisions of AB 802

July 22, 2016
California Energy Commission
Housekeeping

- Emergency Exits
- Restrooms
- Snack Bar
- WebEx and Telephone Protocol
**Agenda**

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tbody>
<tr>
<td>Bill Overview</td>
<td>9:20 AM</td>
</tr>
<tr>
<td>Key Themes from Initial Proposal Workshop</td>
<td>9:35 AM</td>
</tr>
<tr>
<td>Draft Regulations Overview</td>
<td>9:50 AM</td>
</tr>
<tr>
<td>Morning Break</td>
<td>10:50 AM</td>
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<tr>
<td>Open Comment Period</td>
<td>11:20 AM</td>
</tr>
<tr>
<td>Lunch Break</td>
<td>12:30 PM</td>
</tr>
<tr>
<td>Continue Open Comment Period</td>
<td>1:30 PM</td>
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</table>
Revised Comment Deadline

- New comment deadline in revised workshop notice:

  5 p.m. on Friday, August 12.
Summary of Statute Requirements

• Utilities to maintain energy use data for all buildings to which they provide service.

• Utilities to provide energy usage data to a building owner, owner’s agent, or operator on request.

• Energy Commission to create a program to benchmark and publicly disclose energy usage information for certain buildings.
Tentative Program Timeline

Jan. 1, 2016
Utilities begin to maintain records

Apr. 1, 2018*
Commercial reporting to CEC begins

Sep. 1, 2020*
Multi-family data publicly disclosed

2017*
Regulations in effect

Jan. 1, 2017
Utilities begin to provide data upon request

Sep. 1, 2019*
Commercial data publicly disclosed

Apr. 1, 2019*
Multi-family reporting to CEC begins

Bold: Statutory requirements
*Tentative projections
Key Themes from March 25 Workshop

• Master–metered buildings
• Multiple accounts under one entity
• Building owner utility accounts
• Aggregation by energy type
• Responsibility for obtaining customer permission
• Default for non-responsive customers
• Requirements to start four-week data access clock
• Requirements to implement Web Services
Key Themes from March 25 Workshop (continued)

- Calendarization and aggregation of data
- Garden-style apartments and condominiums
- Industrial and mixed-use buildings
- Publicly disclosed metrics
- Implementation schedule
- Triple-net and long-term leases
- Data flow processes
- Building identification number clarifications
Proposed Process Flow:

Utility:
- Receive data request
- Authenticate owner or agent
- Check number of utility accounts
  - If < 3 utility accounts, Customer permission required
  - If >= 3 utility accounts, Send data to building owner
- Notify building owner
- Receive utility data or notice
  - If disclosure is required, Populate Portfolio Manager and enter operational characteristics

Requestor:
- Make request with required data submission for each utility that serves the building

Energy Commission:
- Receive building information
- Determine non-compliant buildings
- Post building information on CEC website
- Share with CEC

Local Programs:
- Complete their own processes and deliver PM Export file to CEC
Overview of Draft Regulations

Section 1680. KEY DEFINITIONS

(a) Active Utility Account
(c) Building Identification Number
(e) Covered Building
   *Multiple buildings served by a single meter
(f) Disclosable Building
(m) Utility Account
   (1) Multiple postal addresses per Utility Account
Overview of Draft Regulations (Continued)

(2) Multiple Utility Accounts per postal address
Covered and Disclosable Buildings

Buildings With No Residential Utility Accounts

- All Buildings = Covered Buildings
- Disclosable: > 50,000 Square Feet

Buildings With One or More Residential Utility Accounts

- Covered: ≥ 5 Utility Accounts
- Disclosable: ≥ 17 Utility Accounts and > 50,000 Square Feet
- Buildings that are not covered

Buildings that are covered but not disclosable
Overview of Draft Regulations (Continued)

Section 1681. DATA ACCESS

(a) DATA REQUEST

(b) UTILITY REQUIREMENTS

(1) Non-Energy information

(2) Energy use data

(3) Request review period

(4) Customer permission requirement

(7) Interruption in Portfolio Manager
Approximate Covered Buildings, California

<table>
<thead>
<tr>
<th></th>
<th>Commercial</th>
<th>Multi-Family</th>
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</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>382,274</td>
<td>Properties with &gt;= 5 units</td>
</tr>
<tr>
<td>Covered Buildings</td>
<td>382,274</td>
<td>117,259</td>
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</table>

CoStar, July 20, 2016

Approximate Covered Buildings and Properties by Utility

![Graph](image-url)
Overview of Draft Regulations (Continued)

Section 1682. BENCHMARKING AND DISCLOSURE

(a) COMPLIANCE WITH A LOCAL ORDINANCE

(b) SCHEDULE

(c) BENCHMARKING AND REPORTING DISCLOSABLE BUILDINGS

(1) For a Disclosable Building, the Building Owner or Owner’s Agent shall do the following:

(A) Open Portfolio Manager account

(B) Request Energy use data
Overview of Draft Regulations (Continued)

(C) Three or more Utility Accounts or customer permission

(D) Fewer than three Utility Accounts without customer permission

(E) Fewer than three Utility Accounts in a Building Owner-occupied building

(2) Interruption in Portfolio Manager

(d) PUBLIC DISCLOSURE

(1) No residential Utility Accounts

(2) One or more residential Utility Accounts
Overview of Draft Regulations (Continued)

(3) Publicly disclosed metrics

(4) Publicly disclosed metrics when Energy use data is unavailable

(e) EXEMPTIONS

(f) ALTERNATIVES TO ENERGY STAR PORTFOLIO MANAGER
Approximate Building and Property Counts, California

<table>
<thead>
<tr>
<th></th>
<th>Commercial</th>
<th>Multi-Family</th>
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</thead>
<tbody>
<tr>
<td>Disclosable Buildings*</td>
<td><strong>18,504</strong></td>
<td>Properties with 17+ units and &gt; 50,000 sf</td>
</tr>
</tbody>
</table>

*This is an increase from the 6,952 disclosable buildings displayed in the March 25 workshop.*
Disclosable Buildings and Properties by Utility

![Bar Chart with Building Counts by City and Utility Provider]
Overview of Draft Regulations (Continued)

Section 1683. VIOLATIONS AND ENFORCEMENT

(a) VIOLATIONS BY A BUILDING OWNER

(b) VIOLATIONS BY A UTILITY
Comment Guidelines

• Provide section and sub-section references.

• Be specific about what is unclear, or what clarification you would like to see.

• Provide an explanation for why you feel specific changes are necessary, referencing sections of the statute as appropriate.

• We invite recommendations for overcoming likely barriers to implementing the regulations.
Open Comment Period

Submit written comments to Docket No. 15-OIR-05 by 5 p.m. on Friday, August 12, 2016.

Go to www.energy.ca.gov/benchmarking and click “Submit e-Comment on 15-OIR-05”

For Questions:

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