

DOCKETED

Docket Number:	16-ATTCP-01
Project Title:	Alternative Procedure to Home Energy Rating System (HERS) Rater Nonresidential Duct Leakage Test Verification
TN #:	215186
Document Title:	Transcript of 12/19/16 Nonresidential Duct Leakage Test Verification Alternative Procedure Workshop
Description:	N/A
Filer:	Cody Goldthrite
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	1/6/2017 2:33:57 PM
Docketed Date:	1/6/2017

CALIFORNIA ENERGY COMMISSION
STAFF WORKSHOP AND PUBLIC COMMENT

In the Matter of:)
) Docket No. 16-ATTCP-01
ALTERNATIVE PROCEDURE TO HOME)
ENERGY RATING SYSTEMS (HERS) RATER)
NONRESIDENTIAL DUCT LEAKAGE TEST)
VERIFICATION)
_____)

CALIFORNIA ENERGY COMMISSION
ART ROSENFELD HEARING ROOM, FIRST FLOOR
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

MONDAY, DECEMBER 19, 2016

10:00 A.M.

Reported by:
Kent Odell

APPEARANCES

ENERGY COMMISSION STAFF

Joe Loyer, Senior Mechanical Engineer

PUBLIC COMMENT

David Diaz, Sheet Metal Workers Union Local 104

Chris Walker, California Association of Sheet Metal and Air
Conditioning Contractors

Patrick Pico, Bay Area Sheet Metal JATCs

George Nesbitt (via WebEx), HERS Rater

Gary Andis (via WebEx), NEMIC

AGENDA

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P R O C E E D I N G S

9:59 A.M.

SACRAMENTO, CALIFORNIA, MONDAY, DECEMBER 19, 2016

MR. LOYER: I'd like to welcome everybody.

First things first, the fountains, the water system here at the Energy Commission -- and I'm just going to get a little closer to the microphone here. The water system here at the Energy Commission is experiencing some difficulties, so there is bottled water set out. They're over by the escalators. We shouldn't be here too long. But if you feel a need, feel free to go out and get a bottle of water and bring it back in. It will be fine.

I'm Joe Loyer from the California Energy Commission. I'd like to just welcome everybody here, and thank you for attending. This is the workshop for the Nonresidential Duct Leakage Test Verification Alternative Procedure. So this is an alternative procedure, not a replacement of the procedure that is currently on the books. It's just an alternative. So both the current procedures that we use for duct leakage testing will continue. And if this alternative procedure is approved by the Energy Commission, it will be added to that as an option.

So with that, I would like to get going on the presentation here. This is the first slide that has my

1 information. We will make this available for people online
2 to download. Let's see if I can just do it like this. No.
3 There we go.

4 So the first thing is the housekeeping
5 announcements. Basically, we will go through the entire
6 agenda. We'll do a housekeeping, then the proposed
7 alternative procedures, some background and recommendation,
8 equivalency, potential effects, the proposed alternative
9 procedure itself, the schedule for the approval, and then
10 public comments, how to submit a comment, and the comment
11 period. You do not have to have your comments in today.
12 The deadline for the comment period is January 9th, so you
13 do have time.

14 So housekeeping. This workshop is being recorded
15 via WebEx. We do have a court reporter here, so keep this
16 in mind when you're making the public statements. Try to
17 refrain from profanity. Try to make your statements clear
18 and concise, if you can. If you have a business card,
19 please give it to our court reporter so that they can spell
20 your name correctly on the report.

21 If you're online, please state and spell your name
22 and your organization, if you're representing an
23 organization. You don't have to if you are representing
24 yourself or just a member of the public. This is also for
25 the court reporter.

1 So making public comments in person. If you are
2 attending in person, please complete a blue card, if you
3 don't mind. They are available at the front desk.
4 Ultimately, if you really don't want to, if we're in the
5 flow of the conversation, you don't have to give me a blue
6 card. You can just make comments. But please remember to
7 state your name so that we can keep the record straight.

8 You will be called to the microphone. Any of
9 these microphones are hot. The dais is the easiest one.
10 Please try to refrain from making any comments off the
11 microphone for the benefit of those attending via WebEx. So
12 if you're making comments in the audience, I know just prior
13 to this I said these microphones are very sensitive, a lot
14 of times you can be heard if you're just sitting in your
15 chair. But it's best to -- if you're going to make
16 comments, please make them on the record. And please step
17 up to a microphone.

18 If you're attending online, please use the raise
19 hand function on the WebEx, or you can also use e-comment
20 window and your comments will be read aloud. I don't prefer
21 to do that. I would really prefer for people to make their
22 own comments in their own voice, but if you're shy, I'll do
23 it for you.

24 So there are one or two other things before I jump
25 into this. For those not familiar with the building, the

1 closest restrooms are located just outside these doors.

2 There is a snack bar on the second floor.

3 Lastly, in the event of an emergency and the
4 building is evacuated -- it actually did happen, we
5 actually did have a little smoke in the lower floors and we
6 all had to evacuate in the cold -- please follow our
7 employees to the appropriate exit. We will reconvene at
8 Roosevelt Park, which is kitty-corner to the Energy
9 Commission. It's located diagonally across the street from
10 this building. Please proceed calmly, quickly, again,
11 following the employees with whom you are meeting. And
12 please, please, let me go first.

13 So let's get into the background and
14 recommendation. What we're here to really talk about is the
15 duct leakage testing in nonresidential buildings. It's
16 required under the 2013-2016 Standards, but it only applies
17 to a limited number of situations.

18 Primarily, in general these installations are very
19 similar to residential ducting. So the ducts connect to a
20 constant volume single-zone air conditioners, heat pumps or
21 furnaces. The systems serve less than 5,000 square feet of
22 floor area. And more than 25 percent of the total surface
23 of the entire duct system is in unconditioned space. Those
24 are the installations that we're talking about.

25 Under the 2005 Standards, nonresidential testing

1 and balancing, T and B contractors, were trained to use
2 transverse methods, either the equal area method or the LT
3 method, as a primary flow measurement process. These are
4 primarily appropriate for hard duct testing.

5 The Commission found in the 2005 Standards process
6 that the transverse measurements method was not suitable for
7 flexible duct. Now whether or not that is technically
8 accurate is rather beside the point. The Energy Commission
9 found in our rulemaking process that it was not applicable
10 or not suitable. For flex duct, what the Energy Commission
11 found was that the duct pressure and flow measurement
12 procedure was more suitable.

13 Now the other thing to keep in mind here is that
14 the Energy Commission had approved authority over the HERS
15 Raters training. And so HERS Raters were used to verify the
16 test results for the installation technicians in
17 nonresidential applications. That's why HERS Raters were
18 put in this position of verifying what the installing
19 technicians were doing in nonres.

20 So under the 2013 Standards, however, the
21 Acceptance Test Technician Certification Provider Program
22 was developed. To date, there are two lighting controls
23 ATTCPs and three mechanic ATTCPs. The Energy Commission
24 approves all training provided by the ATTCPs. And all
25 ATTCPs provide a database record of all acceptance tests

1 performed by their certified Acceptance Test Technicians.
2 Therefore, at this time it's appropriate for the Energy
3 Commission to revisit this issue and potentially provide an
4 alternative procedure.

5 I'm hitting the wrong button.

6 So the proposed alternative. An ATT may emit a
7 duct test leakage verification required by nonresidential
8 appendices, and it's 7532, Step 2, to be performed by HERS
9 Rater, provided that the ATT is certified by an ATTCP that
10 is approved by the Energy Commission. It's, what, a one,
11 two, three, almost a four-lines-long sentence, so I
12 apologize for that, but that's essentially it. This is a
13 very surgical change. So this is not a whole -- we're not
14 changing anything other than removing the need for the
15 verification if it is a certified ATT.

16 So to be approved by the Energy Commission, an
17 ATTCP must submit an additional application demonstrating
18 additional requirements. These are including the ATTs shall
19 maintain and electronic database approved by the Energy
20 Commission. Now this may seem a little redundant, this
21 particular aspect of it. But in the current regulations
22 under 10-103.2 for the 2016 Standards, the ATTCP is actually
23 not required to maintain a database. Under this procedure,
24 they will be required to maintain a database.

25 Right now the ATTCPs do that voluntarily as a

1 means for form control, oversight of their certified ATT.
2 And to a certain extent to some ATTs, not all, but to some
3 ATTCPs, this is also a form, a method of income. But again,
4 that is not all ATTCPs use that.

5 The ATTCPs shall be capable of providing a printed
6 copy of each completed duct leakage acceptance test to the
7 ATT that performed the test.

8 There are some additional requirements, as well.
9 And they're spelled out more it in the staff report that has
10 been provided online, and actually at this meeting, as well.

11 The means of the electronic verification of the
12 duct test shall be -- shall have any -- as I say, so the
13 ATTCP shall provide a means of electronic verification of
14 any duct leakage test performed for any authority having
15 jurisdiction. They'll be required to allow the Energy
16 Commission access to its electronic system, with the
17 authority to visually inspect all records, provide all
18 summary reports regarding the duct leakage acceptance tests,
19 as required by the Energy Commission, provide all training,
20 testing and oversight necessary to certify ATTs to perform
21 the acceptance test as required in Reference NA7.5.3, and
22 Reference Nonresidential Appendix NA2, in conjunction with
23 this alternative procedure. All training and testing
24 materials must comply with the applicable requirements in
25 Title 22, Part 2, section 10-103.2, and must be approved by

1 the Energy Commission.

2 And if you're just coming online, you should be
3 automatically muted. But if you're not, please go ahead and
4 mute yourself. You will get a chance to comment in a few
5 minutes.

6 So the ATT procedures themselves, in lieu of
7 NA7.5.3.2, Step 2, so there's a Step 1 and then there is a
8 Step 2, a Step 2 is normally that the ATT must -- or the
9 HERS Rater must perform a verification test. So in lieu of
10 Step 2, the ATT must do both of the following, submit all
11 required field verification data to an approved Acceptance
12 Test Technician Certification Provider, produce and submit a
13 signed Form NRC MCH-04-A to the jurisdiction having
14 authority in the manner directed by the jurisdiction. The
15 reason the manner directed by the jurisdiction, some
16 jurisdictions are still hardcopy only, and some are
17 requiring electronic submittals. So we leave it up to them
18 to direct the ATT in that regard.

19 I keep hitting the wrong button.

20 So equivalency. One of the requirements of
21 producing an alternative procedure, any alternative
22 procedure, is to demonstrate the equivalency of the
23 alternative procedure to the current procedure. So there
24 are two major areas. There are several differences between
25 these two, but there are two major areas of interest here.

1 So there is no expected change in the actual
2 energy efficiency for the limited number of nonresidential
3 buildings that will be affected by the alternative
4 procedure. The current regulatory procedure for
5 nonresidential duct leakage testing a two-step process. The
6 installing technician performs the acceptance test and then
7 submits the test to the HERS Rater. The HERS Rater collects
8 the acceptance tests and other associated compliance forms,
9 and then performs a verification test on all or a sample of
10 the acceptance tests that have been performed. The sample
11 group is limited to seven in this case.

12 The proposed alternative procedure will require
13 that certified ATT perform the acceptance tests and submit
14 those results to the ATTCP to produce an acceptance test
15 form with appropriate watermarks. Note that the only HERS
16 Rater verification test -- not that only the HERS Rater
17 verification test is subject to the sampling allowance. The
18 current -- the certified ATT was never and will not be
19 allowed to use group or sampling requirements. So in
20 essence, while the HERS Rater could use sampling, the ATT
21 was never permitted to do that and is not being permitted to
22 do that under this new procedure.

23 Typically the general practice in the field is
24 that the installer simply identifies each installed system
25 without performing the acceptance test. That's been fairly

1 common in the field. It's not every case, but it's a vast
2 majority.

3 The HERS Rater performed one verification test
4 without the collection of any compliance documents, again,
5 very common. It's not what our regs say should happen, but
6 it's what, in fact, does happen in the field. So one of the
7 practical impacts of this alternative is that each system
8 will now be formally acceptance tests, instead of relying on
9 the sampling.

10 The primary distinction between the ATTCP and the
11 HERS programs, there are two distinct differences. The ATT
12 is not required to be an independent third party. The HERS
13 Rater is.

14 HERS providers must supply a registry, and in my
15 notes I put that in quotes, so I'm going to put that in air
16 quotes, a registry. This is a JA7 compliant registry. So
17 it is compliant with Joint Appendix JA7. The ATTCP
18 voluntarily provides an online database to record acceptance
19 tests. That is not required to be compliant with JA7, but
20 it is actually compliant in many respects. But the Energy
21 Commission does not go to the point of determining if it is
22 compliant or not, so there is that distinction.

23 While a parallel cannot be drawn between the ATTCP
24 Electronic Acceptance Forms Database and the HERS Data
25 Registry, a record of acceptance test forms is maintained by

1 the ATTCP.

2 All right. That one? Got it. Got it. Okay.

3 So potential effects on the regulated community.

4 We don't see there to be any significant cost savings by

5 using an ATT, as opposed to using a HERS Rater in the

6 current situation, as I've described it. The ATT may have a

7 slight advantage in performing all work associated with the

8 design, installation and acceptance testing. That is a

9 distinct advantage that the ATT will have.

10 The cost difference to a builder between the ATT

11 and the HERS Rater is close to nil. We've kind of gone

12 through an analysis, and you'll see it in my staff report.

13 When it comes down to it the costs are pretty close to the

14 same. However, it is possible that the ATT would be able to

15 underbid the HERS Rater for the function by folding

16 additional work from design and installation of the HVAC

17 system.

18 So in essence, the ATT could -- since they can do

19 all work associated now, they can underbid the HERS Rater.

20 But in many instances, what we'll be looking at, if we end

21 up in a multifamily installation or a multifamily building,

22 a HERS Rater is going to be onsite anyway. So there is no

23 huge benefit to the builder to deciding that, okay, for this

24 particular test, we're just going to use the ATT. The HERS

25 Rater is there. It's just as easy to use the HERS Rater as

1 it is the ATT. This is just an option that the builder can
2 employee, if they so desire.

3 Let's see, local jurisdictions, the CEC's
4 assistance with two paths to compliance. So basically the
5 local jurisdictions are going to have this issue of there
6 being two paths to compliance now, this alternative
7 procedure and the normal procedure of having the HERS
8 verification. So to address that, we're going to be putting
9 together a fact sheet, blueprint articles and specialized
10 training for the local jurisdiction. We'll have a list of
11 authorized ATTCPs that they can refer to, to make sure that
12 the technician is coming from an ATTCP that is approved for
13 this.

14 A description of the required circumstances under
15 which the testing is performed. I know it's a kind of
16 shocking thing, but a lot of local jurisdictions don't even
17 know that this test is required. So that does happen and it
18 is imperative upon the Energy Commission to educate the
19 locate jurisdictions so they enforce our standards properly.

20 A description of the appropriate forms and watermarks will
21 be included with all this material.

22 So, darn it, darn it, I missed it again. I keep
23 hitting the wrong button.

24 All right, so the next item I have up here is the
25 schedule. Right now you can see that we're in bold, we're

1 at the public workshop. This is December 19th. The end of
2 the public comment period is January 9th. But the Energy
3 Commission has a pretty soft approach when it comes to this.
4 If you get it to us by the 10th, the 12th, the 15th, okay.
5 If it hits the 20th, guys, I'm going to have to cut it off
6 someplace. But we're pretty open-minded about taking
7 comments, even late, but the 9th is our cutoff date.

8 The Final Staff Report, we want to get that out by
9 no later than the end of February. And then we're going to
10 try and make this for the March business meeting for final
11 approval.

12 So public comments at the workshop, written
13 comments, if you have brought me written comments, I will be
14 happy to accept them. You may make oral comments. If we
15 have a lot of people, which we do not, we could limit that
16 to five minutes. You guys can take as long as you like.

17 Written comments. So any comments can be
18 submitted to Dockets by 4:00 p.m. on January 9th. We have
19 an electronic commenting system now. It's really pretty
20 cool. It's very simple to use. You can simply go online,
21 go to this workshop, it will have a direct link here. This
22 is a direct link in my presentation here. It will link
23 directly to our e-comment system, and you can submit your
24 comments directly to Dockets. All comments must go through
25 Dockets.

1 So more on written comments here. Commenting by
2 email, you can send your comments in by email. We have
3 specific procedures for that. You will send them to the
4 Dockets and they will put them into our docket system. And
5 Dockets is at docket@energy.ca.gov.

6 And let's see, public comments, hardcopy, written
7 comments, more. So if you want to give me a hardcopy, will
8 take that as well, either in person or by mail. This is our
9 address here. We will submit that to Dockets for you, if
10 you give it to us hardcopy.

11 And that's the end of my presentation.

12 So now we will go into the public comment phase.
13 And I'm going to just see if I can back this up to the
14 schedule. And I will, let's see, I will see the
15 participants. Okay, let me see if I can make that a little
16 bigger. And we'll go ahead and start with people here in
17 the room for comments.

18 Is there anybody who would like to make a comment?
19 Yeah. Come on up.

20 MR. DIAZ: Hi. I'm Dave Diaz with Sheet Metal
21 Workers Local 104. I just had one comment.

22 When you were talking about testing for flexible
23 duct in nonresidential --

24 MR. LOYER: Uh-huh.

25 MR. DIAZ: -- that's going to be a moot point

1 after January 1st because it's going to be limited to five
2 feet.

3 MR. LOYER: That's true. When we come to 2016
4 Standards, they do change a bit. So --

5 MR. DIAZ: Okay. Thank you.

6 MR. LOYER: Uh-huh.

7 Any other comments? Okay. We'll -- yeah? No?
8 Yeah? Go ahead.

9 MR. WALKER: Good morning. Chris Walker on behalf
10 of the California Association of Sheet Metal and Air
11 Conditioning Contractors. We support this move by the
12 Energy Commission.

13 I have some questions on the proposed alternative
14 procedure. The first bullet point that you have under that
15 slide, it says, "The ATTCP shall maintain and electronic
16 database approved by the Energy Commission." The word
17 "maintain" may be a little bit limited there. Maybe you
18 want to consider using the word use or something else. If
19 we're contracting out with another database provider,
20 technically, we won't be maintaining that. It will be
21 somebody else. So we may want to think about having some
22 flexibility in that word.

23 MR. LOYER: When we -- I appreciate the comment.
24 When we do use a phrase like "maintain" we use that in lieu
25 of other things because we put it upon the provider to

1 actually be responsible for it. So you can outsource. As a
2 provider, you can outsource any function that you have, the
3 training, the database, virtually anything, you can
4 outsource all of that. It is your obligation to ensure that
5 it is maintained. You're the ultimate party responsible.
6 So as long as you agree to that, we tend to stay out of your
7 contract agreements as a provider.

8 But we'll take it under advisement. So, yeah, if
9 you want to maybe maintain to use or --

10 MR. WALKER: I appreciate it.

11 MR. LOYER: Okay. Yeah.

12 MR. WALKER: Just because --

13 MR. LOYER: Yeah.

14 MR. WALKER: -- when it says "maintain" --

15 MR. LOYER: Yeah.

16 MR. WALKER: -- it's kind of like it's under your
17 control.

18 MR. LOYER: It better be.

19 MR. WALKER: Well, but if you're using a service
20 that's providing that and it meets the Energy Commission
21 guidelines --

22 MR. LOYER: Yeah.

23 MR. WALKER: -- that would mean the same thing;
24 right?

25 MR. LOYER: Yeah. Yeah. I think that it would.

1 MR. WALKER: Okay. And the other question I had,
2 just curiosity, on your local jurisdictions, you talked
3 about the work that you guys are going to be doing in terms
4 of the CEC assistance with the two paths to compliance.

5 MR. LOYER: Uh-huh.

6 MR. WALKER: Just a quick question. The fact
7 sheets, the blueprint articles and the training that you're
8 putting out to the local building officials, is that
9 information that's provided on a unique listserv or is
10 that --

11 MR. LOYER: Say that one more time.

12 MR. WALKER: Is that information that's provided
13 to them on a unique listserv? How --

14 MR. LOYER: No. It's a public --

15 MR. WALKER: Okay.

16 MR. LOYER: It's a public service. The facts
17 sheets and the blueprint are public documents. And the
18 presentation and training itself, we will provide that,
19 typically to groups or individuals of local jurisdictions.
20 But we're also open to providing that to anybody who has an
21 interest.

22 MR. WALKER: Yeah. Well, contractor groups would
23 love to see that stuff.

24 MR. LOYER: Oh, yeah. I'm right now working on
25 trying to convene a group of contractors in Northern

1 California, so trying to get the word out there for just
2 lighting controls.

3 MR. WALKER: Okay. Thank you.

4 MR. LOYER: Very good.

5 Is there anybody else that would like to make a
6 comment? Yeah? Okay.

7 MR. PICO: Good morning. My name is Patrick Pico
8 with the Bay Area Sheet Metal JATCs. And we're very much
9 supporting this alternative method, purely for the fact that
10 our technicians that have gone through the training do
11 receive duct leak testing as part of their certification
12 requirements. And the curriculum, we've had it in place for
13 over 15 years, and has recently gone through a complete
14 revision into the second edition that followed the release
15 of SMACNA's duct leak standards change.

16 And our newest training also incorporates other
17 methodologies, such as the HERS training, and an equal or a
18 percentage method. So we do cover all facets, based on
19 whatever the requirements of the job are.

20 So we're very much supportive of this in allowing
21 the technicians to perform what they know how to do.

22 Thank you.

23 MR. LOYER: Excellent. Thank you.

24 Is there anybody else who would like to make a
25 comment? Okay.

1 I have one person who has their hand raised. I'm
2 just going to check to see if there's any, and I think it's
3 George. I'm going to see if I can't mute or un-mute, I
4 think.

5 George, can you hear us? Can you talk?

6 MR. NESBITT: George Nesbitt, HERS Rater.

7 MR. LOYER: Very good. Okay, George, go ahead.

8 MR. NESBITT: Two things. You mentioned the lack
9 of compliance. And as a HERS Rater, I couldn't tell you the
10 last time I got a call for a nonres or a nonres-nonres duct
11 test, so other than multifamily high-rise. And it's been
12 even longer since I've actually done one. So there is very
13 little compliance out there. And I would be concerned that
14 we're adding another option when we can't even enforce what
15 we have, so that's one issue.

16 And then the other question or issue is what does
17 the new procedure tell us that a duct test doesn't?
18 Personally, I believe that all ducts should be tight,
19 whether they're in conditioned space or not. It's partly a
20 matter of air flow getting where it should be, as well as
21 energy and comfort. And would the new procedure allow the
22 ducts to be leaky, but as long as they appear to be
23 delivering air flow, that's okay? Plus I know from all my
24 air flow measurements that air flow is not equal within a
25 duct and, therefore, you know, how accurate it really is.

1 So they may be telling us different things.
2 They're not, I would say, they're not necessarily equal. I
3 would think that this new procedure might really be more of
4 a design check of the duct system as opposed to a check of
5 how tight.

6 In one commercial building I tested the rubber
7 roofing membrane was pressurized when I did the duct test.
8 So even though all the ducts, with the exception of the roof
9 pack, were inside. The thing is, leaky ducts do bad things
10 to buildings. And so I think tight ducts first -- well,
11 tight ducts and air flow are both important, but I don't
12 necessarily see them as equal.

13 MR. LOYER: Thank you for that comment, George.
14 I'll respond a little bit right now, but I'll take it under
15 advisement, as well.

16 So essentially, the lack of compliance issue has
17 always been an issue for the building standards. I think
18 that's been prevalent in the industry. We are seeing
19 movement, a positive movement in compliance when we look at
20 the HERS Raters. Even though it's not perfect, you know,
21 God knows it's not perfect, but we are seeing a positive
22 influence from the HERS Raters.

23 We are also seeing a very positive influence from
24 the ATTCP Lighting Controls Technicians. That's been very
25 positive.

1 We think that when the mechanic ATTCP requirements
2 cross a threshold and become mandatory, we think that will
3 add pressure to compliance requirements, and then compliance
4 incentives by local jurisdictions.

5 We're finally finding, I think we're finally
6 finding, it's just my opinion really, but I think we're
7 finally finding that formula that the local jurisdictions
8 can work with the Energy Commission, with our standards, and
9 with what is essentially an industry-based check and balance
10 system. I think it's -- you know, you and I both know that
11 it's definitely got a long ways to go yet. But I think
12 we're -- I think this the right tool.

13 Moving on to should we test all ducts?
14 Absolutely. There is so much energy that is lost in
15 transition to moving air around a building, it's just --
16 it's ridiculous. But we can't test all ducts. It's just
17 not cost effective. So we test the ducts that we can prove
18 cost effectiveness when we develop the standards, and that's
19 our requirement from the Warren Alquist Act. So in this
20 particular instance, we've got the ducts that we can test.

21 For this alternative procedure, we don't -- we
22 aren't proposing to change the procedure at all itself, so
23 it will be the same test. So it will just be a different
24 technician that will be ultimately responsible for it. So
25 in that regard, we think it's not worse. We think it

1 becomes better when the builder has an alternative that they
2 can turn to and say, okay, I was going to just brush this
3 off. But I've got this guy here, he can do it for me. I
4 might as well go ahead and do it, just to make sure that the
5 duct test is done and the ducts are tight, for at least new
6 construction anyway. And then again, this is only in a very
7 limited number of buildings.

8 And like you said at the beginning, George, I
9 don't doubt at all that you haven't been getting a lot of
10 calls on this. This is such a limited number of
11 installations. When we checked, CalcERTS is the only HERS
12 provider that actually provides the training and the
13 registry for the HERS Raters to use for this test. When we
14 checked with them there were only 1,000 to, I think it was
15 1,500 tests that were done for the entire year, so that is
16 not very many.

17 So with that said, George, I thank you again for
18 your comments.

19 MR. NESBITT: Quick question.

20 MR. LOYER: Sure.

21 MR. NESBITT: Under this alternative procedure,
22 would they be doing a duct test as part of it? Did I miss
23 that or --

24 MR. LOYER: Oh, yeah, George.

25 MR. NESBITT: -- I mean --

1 MR. LOYER: Yeah, you definitely missed that.

2 They will be doing the duct test.

3 MR. NESBITT: Okay.

4 MR. LOYER: Absolutely, the exact same duct test.

5 MR. NESBITT: Okay.

6 MR. LOYER: Okay. I'm going to --

7 MR. NESBITT: But they wouldn't -- okay. All
8 right.

9 MR. LOYER: Okay. Thanks.

10 I'm going to move on to Gary Andis. Gary, you're
11 unmuted. Can you talk?

12 MR. ANDIS: Yeah, Joe, this is Gary Andis. I'm
13 Director of Certification for NEMIC which is one of the
14 ATTCPs.

15 MR. LOYER: Uh-huh.

16 MR. ANDIS: Joe, I've got maybe four questions.
17 Do you want them one at a time, or would you like me just to
18 over them and then you pick them apart?

19 MR. LOYER: Oh, any way you like it, Gary, is
20 fine.

21 MR. ANDIS: Okay. I know you said that they would
22 be doing the exact same test, which is really the 25 Pascal
23 test. In that aspect, is there any way that the SMACNA Duct
24 Standard which actually operates the test at operating
25 pressures at a given square footage of duct work, could that

1 test be done and eliminate the 25 Pascal test?

2 MR. LOYER: Not under the current regs. When we
3 look at the 2013-2016, we have to go by those regs.

4 Now that said, if we go to the 2019 regs, I think
5 that we are actually proposing that particular shift. So
6 it's not an impossibility that we might be able to, under
7 some circumstances or some way of an alternative procedure,
8 as well, to reach forward into 2019 and pluck certain
9 requirements out of that code. But that would be a whole
10 other procedure. And, you know, it would need to have
11 support and all the rest of it.

12 So at this point I have to say, no. But I'd say
13 it's definitely not an impossibility.

14 MR. ANDIS: Okay. That leads right into my next
15 question.

16 Since they're doing the exact same test, which is
17 a 25 Pascal test, and your business meeting is in March,
18 approximately, of 2017, then if it was accepted to where an
19 ATT can do the HERS testing which is a 25 Pascal test, in
20 March, this would fall under the 90-day rule for us ATTCPs,
21 and it -- well, so we would have 90 days to get our training
22 up, get everything done and get it implemented?

23 MR. LOYER: Well, essentially, what we would do is
24 we would review the ATTCP application, make sure it falls --
25 it measures up to the alternative procedure, because there

1 are requirements for the provider in this case, as well as
2 the ATT. So as long as the application, you know, is
3 compliant under the procedure, we could approve them fairly
4 quickly, I would say. I'm not sure what -- I'm not sure
5 where your 90-day rule is coming from. I'm not sure what
6 you mean by that, but I'm sure you know what you're talking
7 about.

8 So I hope that answers your question.

9 MR. ANDIS: It does. In other words, we go
10 through the exact same process we went through from the 2013
11 to the 2016?

12 MR. LOYER: Yeah. Hopefully even shorter.

13 MR. ANDIS: Okay. All right. Hopefully the last
14 question would be the form has some issues, especially when
15 we talk about condition space. In California, especially on
16 the nonres side, we have a lot of buildings that have the
17 insulation down on the T-bar and the duct is above the T-bar
18 and the insulation. Unfortunately, the training and
19 everything for that HERS form right now primarily deals with
20 attic spaces and crawl spaces because it's more of a
21 residential guideline.

22 What time and what process will we be able to look
23 at those forms and bring them up to where we can address
24 that space above the insulation, even if there's a floor
25 above it, which is a total different zone? So actually,

1 you've got a non-conditioned space there between two zones,
2 but the other space is a zone. So there's some issues with
3 the forms.

4 Would that process come into effect after it's
5 approved?

6 MR. LOYER: Well, when it comes down to it,
7 Gary -- and let me just clarify for everybody in the room
8 and on the phone, Gary is representative of NEMIC, who is a
9 mechanic ATTCP that was approved by the Energy Commission.

10 So as an approved ATTCP, a provider, in this case,
11 we've actually given all the providers access to modify the
12 forms for acceptance testing, in conjunction with the Energy
13 Commission staff. So of late, we have been modifying. When
14 we've been finding problems with the forms, such as what
15 you're describing, we have been inviting parties to comment
16 on them, you know, suggest fixes to them. In particular, we
17 definitely want people who are out there in industry using
18 these forms and doing these tests and running into these
19 problems to help us redesign these forms so that they better
20 fit the situation.

21 So, Gary, there's no reason to wait for the
22 alternative procedure. Right now, you know, the same
23 technicians that are certified, the same certified ATTs that
24 you guys have, and even technicians that are not certified
25 are required to use this form. So if you want to improve

1 this form, you can do it through the Unfuddle connection
2 that we've given you. And I'm pretty sure, Gary, that we've
3 invited, at least members of your time, into Unfuddle. I'm
4 pretty sure we have. Correct me if I'm wrong.

5 MR. ANDIS: I don't think so at this time because
6 Form Number 4 was primarily a HERS form, so we kind of
7 stayed away from that and let HERS deal with it. But now
8 that it's become part of our forms and we're going to be
9 able to -- well, since we're going to be responsible, as
10 you've pointed out --

11 MR. LOYER: Absolutely.

12 MR. ANDIS: -- at maintaining this part, then,
13 yes, we will get involved and try to bring those forms up to
14 more of a nonresidential guideline.

15 MR. LOYER: And I think that's very appropriate.
16 And, you know, we'll do that in -- as like I like to say,
17 we'll do that in the light of day in the public eye. This
18 won't be held to any kind of backroom secret meetings or
19 anything. We'll work with you to make sure the form is both
20 compliance with the regulation and is responsive to industry
21 needs.

22 So, yeah, we can do that today, Gary.

23 MR. ANDIS: Okay. And the last question is: If
24 we want to get the SMACNA Standard as equal to the HERS
25 Rating thing right now for 2019, how soon do we need to get

1 that submitted?

2 MR. LOYER: You need to do that yesterday. So it
3 is imperative that you become involved in the 2019 Standards
4 update process, which is going on right now. So if you can
5 go to the Energy Commission website, and, Gary, I'll go
6 ahead and send you an email link to it, but, yeah, you need
7 to be involved in that process. You should -- it's not only
8 just, you know, coming to the staff workshops and making
9 comments like you are today, which I fully encourage and I
10 very much appreciate. But it's also in submitting written
11 work, written comments, and even working with the Energy
12 Commission teams that are addressing it.

13 Right now my team is not addressing this. We have
14 a Building Standards Office, that they have a separate team
15 of engineers that actually do focus on this particular
16 aspect of it.

17 So you'll be wanting you get involved in that
18 particular process, Gary.

19 And anybody else --

20 MR. ANDIS: Okay. Thank you.

21 MR. LOYER: -- on this call, you should also be
22 involved in that.

23 MR. ANDIS: Yes. A matter of fact, you have two
24 of the gentlemen in your meeting there today, Pat Pico and
25 Dave Diaz. Would you please include them on that email to

1 me?

2 MR. LOYER: You bet.

3 MR. ANDIS: Thank you. And that's it for me.

4 MR. LOYER: All right. Thank you, Gary.

5 Let's see, don't see anybody else's hand raised.

6 Are there any further comments from folks online? I don't

7 see anything in the chat window.

8 Are there any comments from anybody in the

9 audience?

10 So the last thing that we have to do is,

11 basically, next steps.

12 As I've said, I'm going to go ahead and close this

13 participant window and the talk window here, so you can see

14 the schedule. This is the schedule. The end of comment

15 period is January 9th, so please get your comments in, you

16 know, before or as close to January 9th as possible.

17 We will be producing a Final Staff Report with

18 response to comments. I've taken some notes here, but we

19 have a record of this meeting and a recording of this

20 meeting, as well. And then we will be targeting the March

21 business meeting for final approval. The Final Staff Report

22 will be put online, so you can have access to it. If you

23 have any comments to make, please feel free to make them.

24 And with that, since there are no more comments, I

25 will go ahead and end this meeting in record time. Look at

1 that. All right. Thank you very much.

2 (The workshop concluded at 10:43 a.m.)

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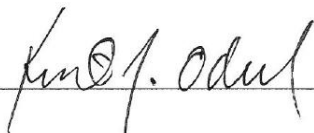
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And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of January 2017.



Kent Odell
CER**00548

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MARTHA L. NELSON, CERT**367

January 6, 2017