

## DOCKETED

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**NLCAA comments 7-18-2017 ATTCP Requirements Presentation**

*Additional submitted attachment is included below.*



California Energy Commission  
Docket #: 17-BSTD-01  
Project Title: 2019 Building Energy Efficiency Standards Pre-Rulemaking

NLCAA comments on 7-18-2017 ATTCP Requirements Presentation

Comments shared at the meeting:

I just received a conference call from one of our very active ATT's (he also is a lighting designer), a lighting controls mfg. rep and a lighting distributor rep. regarding non-compliant designs. This call was very concerning and caught me off guard, but I felt I should share it with you. Their main question was an explanation of §130.4(a) as it applies to what controls are required and what gets tested. My response (simply stated here) was we test what is installed per §130.4(a) requirements.

They also brought up serious concerns over how they are starting to see more frequently designed plans that are not compliant with the 2016 BEES. They have been receiving request to not design the controls to the 2016 BEES, but rather to the engineer's non-compliant designs. Their designs that are compliant are being compared to other projects that are designed, installed and ATT tested that are not compliant and pass AHJ plan check, AHJ Inspection and ATT testing (testing what has been installed). With the removal of the highlighted line below ATT's do not enforce compliance anymore of plans and specifications, thus the installations are becoming less compliant on projects. This practice is becoming more common on projects and is undermining the energy conservation requirements, the BEES, the CEC and the ATTCP programs. There is no measure in place as of 2017 to ensure compliant projects are being installed, ATT's only test to the 130.4(a) requirements; AHJ's are still relying on the ATT's for enforcement. We are losing ground on compliance are reverting to pre-2013 designs. There are a handful of testers that are leaving the industry because functional testing is becoming less needed as the testing scope of work on a project is being reduced by the lack of required controls being installed. Myself and many others have worked diligently to educate the designers on how to conform to the BEES over the years and now they must revert to competitive non-compliant designers to maintain their clients.

In closing, we are losing ground on compliance, I am on the ground seeing these changes over the last five months. Reports and questions coming from ATT's (NLCAA and CALCTP), designers, mfg.'s, and developers now revolve around the testing requirements and non-compliant designs. It is not uncommon to see a lack of dimming, daylighting and/or demand response controls installed, this is reflected by design or the installer wanting to value engineer the project due to the lack of compliance enforcement by the ATT and rarely by the AHJ. I feel this impact is bigger than people understand, otherwise this would have been addressed already.



## 2013

Before an occupancy permit is granted for a [newly constructed building](#) or area, or a new lighting system serving a [building](#), area, or site is operated for normal use, indoor and [outdoor lighting](#) controls serving the building, area, or site shall be certified as meeting the [Acceptance Requirements for Code Compliance](#) in accordance with [Section 130.4](#). A Certificate of Acceptance shall be submitted to the [enforcement agency](#) under [Section 10-103\(a\)](#) of [Part 1](#), that:

1. Certifies plans, specifications, installation certificates, and operating and maintenance information meet the requirements of [Part 6](#).

2. Completes the applicable procedures in Reference Nonresidential [Appendix NA7.6](#), [NA7.7](#), [NA7.8](#), and [NA7.9](#); and submits all applicable compliance forms.

3. Certifies that [automatic](#) daylight controls comply with [Section 130.1\(d\)](#) and Reference Nonresidential [Appendix NA7.6.1](#)

4. Certifies that lighting shut-OFF controls comply with [Section 130.1\(c\)](#) and Reference Nonresidential [Appendix NA7.6.2](#)

5. Certifies that demand responsive controls comply with [Section 130.1\(e\)](#) and Reference Nonresidential [Appendix NA7.6.3](#)

6. Certifies that outdoor lighting controls comply with the applicable requirements of [Section 130.2\(c\)](#) and Reference Nonresidential [Appendix NA7.8](#).

## 2016

### (a) **Lighting Control Acceptance Requirements.**



Before an occupancy permit is granted indoor and [outdoor lighting](#) controls serving the [building](#), area, or site shall be certified as meeting the [Acceptance Requirements for Code Compliance](#) in accordance with [Section 130.4\(a\)](#). A Certificate of Acceptance shall be submitted to the [enforcement agency](#) under [Section 10-103\(a\)](#) of [Part 1](#), that:

1. Certifies that all of the lighting acceptance testing necessary to meet the requirements of [Part 6](#) is completed.
2. Certifies that the applicable procedures in Reference Nonresidential [Appendix NA7.6](#), and [NA7.8](#), have been followed.
3. Certifies that [automatic](#) daylight controls comply with [Section 130.1\(d\)](#) and Reference Nonresidential [Appendix NA7.6.1](#)
4. Certifies that lighting shut-OFF controls comply with [Section 130.1\(c\)](#) and Reference Nonresidential [Appendix NA7.6.2](#)
5. Certifies that demand responsive controls comply with [Section 130.1\(e\)](#) and Reference Nonresidential [Appendix NA7.6.3](#);  
and
6. Certifies that outdoor lighting controls comply with the applicable requirements of [Section 130.2\(c\)](#) and Reference Nonresidential [Appendix NA7.8](#); and
7. Certifies that lighting systems receiving the Institutional Tuning Power Adjustment Factor comply with [Section 140.6\(a\)2J](#) and Reference Nonresidential [Appendix NA7.7.6.2](#).

Thank you for the opportunity to comment.

Michael Scalzo  
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NLCAA