DOCKETED

Docket Number:	17-BSTD-02
Project Title:	2019 Title 24, Part 6, Building Energy Efficiency Standards Rulemaking
TN #:	223306
Document Title:	Comments of Nest Labs in Support of 15-day Language
Description:	N/A
Filer:	Deric Wittenborn
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Public
Submission Date:	5/1/2018 3:43:16 PM
Docketed Date:	5/1/2018

Commissioner Andrew McAllister
Lead Commissioner
Docket No. 17-BSTD-02
Attn: Dockets Office, MS-4
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

RE: Docket No. 17-BSTD-02: Comments of Nest Labs in Support of 15-day Language

Dear Commissioner McAllister:

Nest Labs ("Nest") provides these comments in support of Section 110.12(a) as revised in the 15-day language published on April 20, 2018 in the 2019 Building Energy Efficiency Standards ("Standards") rulemaking (Docket 17-BSTD-02).

Nest appreciates the California Energy Commission Staff's significant efforts to thoughtfully consider comments submitted in this rulemaking, and the subsequent revisions made to the 45-day language's requirements for demand responsive controls. The proposed 15-day language recognizes how demand responsive controls are currently, and successfully, providing energy efficiency and demand response. Additionally, by removing the requirement that demand responsive controls integrate a single, mandatory communications protocol, the 15-day language no longer risks potentially disqualifying Nest's certified Occupant Controlled Setback Thermostats ("OCSTs") or other devices providing these valuable services.

Moreover, the 45-day language was unnecessarily limiting, requiring all demand responsive controls, including OCSTs, to be Virtual End Nodes ("VEN") capable of responding directly to a utility-issued OpenADR 2.0a or 2.0b signal. This originally contemplated change to the Standards in the 45-day language would have resulted in a requirement that all demand responsive controls include the OpenADR 2.0a or 2.0b communication protocol at the device level. Nest commented that such a requirement is not necessary to ensure consumer protection from the potential stranding of demand responsive control assets and that imposing OpenADR 2.0a or 2.0b at the device level failed to recognize the leading demand response market structure, which includes "aggregators" of demand response controls. As described in Nest's comments, aggregators are typically intermediary entities that receive a utility's demand response signal and then communicate with a consumer's device using the device's existing proprietary application programming interface, or API.

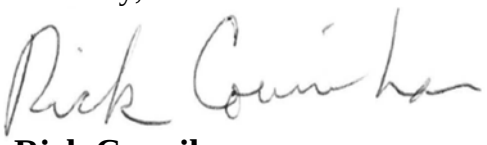
With the revisions to Section 110.12(a) in the 15-day language, Staff has preserved much needed flexibility for demand responsive control devices and their communication protocols while still advancing the integration of the OpenADR 2.0a and 2.0b in the demand response communication chain. The 15-day language allows utilities to use one communication protocol (OpenADR) for their demand response request, but continues to allow demand responsive

controls, such as OCSTs, to either receive that signal directly or respond to an intermediary, such as an aggregator, that is the VEN. This flexibility preserves the currently thriving market structure, which allows aggregators to receive the utility's OpenADR communication and then securely transmit the demand signal to the utility customer's device (or devices) via a proprietary API. The Commission Staff listened, understood how Nest's products work, considered Nest's concerns, and crafted compromise language that will allow Nest and others to self-certify their products, thereby allowing Nest and others to continue contributing to California's energy efficiency and demand response policy objectives.

Nest participates in numerous state and federal initiatives to advance energy efficiency programs, and Nest is particularly impressed by the California Energy Commission's pursuit of policies to reduce unnecessary energy consumption. In the latest version of Section 110.12(a)'s demand responsive control requirements, OCSTs and other demand responsive controls are able to continue to pursue market strategies that efficiently and effectively reduce energy demand.

Nest thanks the Staff for responding to Nest's concerns in this rulemaking and looks forward to continuing to work with the Commission to improve the energy efficiency enhancing capabilities of OCSTs.

Sincerely,



Rick Counihan
Head of Energy Regulatory and Governmental Affairs
Nest Labs
415.517.1861
rcounihan@nestlabs.com