

Sosna Energy Consulting
5390 Reservoir Dr.
San Diego, CA 92115

October 28, 2013
docket number 06-NSHP-1



Dear Sir or Madam:

The purpose of this letter is to provide commentary on the 7th edition of the NSHP Guidebook. I am an energy consultant and have currently been practicing Title-24 compliance for the past 23 years. I am a CEPE, though I am not a member of CABEC. I believe that the people guiding CABEC are well-intentioned, and that the CEPE and CEA exams are intended to demonstrate that the knowledge and ethics of those who have passed those exams meets a certain criteria. However, the requirement that that the individual performing energy compliance calculations for Tier 1 and 2 incentives must be a CEPE or a CEA as stated in the new edition of the NSHP guidebook is unnecessary and excludes qualified energy consultants (those who have not taken the exams) who are able to perform this work.

This CEPE/CEA requirement, which was initially inserted--presumably at CABECs behest--in the 3rd edition of the NSHP Guidebook in 2010 should never have been implemented in the first place. Let me share from personal experience. Prior to the 3rd edition NSHP Guidebook release in 2010, I was quite capable of performing the necessary calculations to reach Tier I or Tier II. After that guidebooks release, in order to continue doing this work that I had been doing for years, I was required to take and pass the CEPE exam. I did so and I am currently listed as a CEPE on the CABEC website.

I can therefore speak from personal experience when I say that an energy consultant's ability to perform the necessary calculations for Tier I or Tier II compliance is in no way relevant to taking the CEPE exam. I believe that the energy consultants practicing in California today--those that have taken the exams as well as those that have not--are capable of performing the Tier I and Tier II calculations necessary for the NSHP program and that no certification by CABEC is necessary.

Another point to bring up is that CABEC is a private organization and their actions could be construed as subverting of the authority of the State of California by imposing their ideas and agenda regarding energy regulations and policies including the necessary qualifications of energy consultants.

Let me draw an analogy. The American Institute of Architects (AIA) is a private organization. The AIA has no tests or designations for their members or nonmembers which are a part of ANY state requirements to practice architecture. The AIA may work with the state to help design the architects' registration exam but they do NOT arbitrate who is fit to practice architecture in the state of California. I know this because I stood for and received my California architects license in 1987 and I was, for a short time, also a member of the AIA. Neither does the California Building Industry Association (BIA) do this for contractors.

The California Business and Professions Codes specify that an architect, contractor, or engineer is an individual who is qualified to practice as such and the state licensing boards for those professions oversee testing, certification, and licensure of those professions. At NO time do private organizations such as the AIA or the BIA take on those duties.

It is not fitting that a private organization, such as CABEC determine the standards of competency for anyone other than their members—yet that is exactly what has happened here. The insertion of the CEPE/CEA requirement in the NSHP Guidebook affects all of us who practice energy compliance documentation in the state of California—including those of us who are NOT members of CABEC.

The State of California has the authority to license energy consultants as it has done for architects, engineers, and contractors, but as it has chosen not to do so. I encourage the state to take that step, but until that happens, if CABEC wishes to require its members to be certified as CEPE or CEA prior to performing Tier I or Tier II calculations for the NSHP rebates—well and fine. But this should only apply to CABECs members. The internal policies of a private organization should not affect all the energy consultants in the state.

So I say again, that until such time as the State of California requires that energy consultants pass a registration exam, the requirement that an energy consultant pass an exam prepared by a private organization such as CABEC prior to preparing Tier I or Tier II Title-24 documentation (or any other form of Title-24 related documentation) should be permanently removed from this and all future NSHP guidebooks and from ANY state rules and regulations regarding Title-24 as it relates to energy efficiency.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Sosna', with a stylized flourish at the end.

David Sosna
Energy Consultant