

**DOCKETED**

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<b>Project Title:</b>	2019 HERS Providers' Application for the 2019 Building Energy Efficiency Standards
<b>TN #:</b>	231343
<b>Document Title:</b>	CalCERTS' Request for Clarification on CHEERS Amendment
<b>Description:</b>	N/A
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<b>Organization:</b>	CalCERTS, Inc
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VIA CEC DOCKET 19-HERS-01

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**Re: CalCERTS, Inc.'s Request for Clarification on Amendment filed to 2019 Building Energy Efficiency Standards Application Docket**

CalCERTS is requesting clarification from the California Energy Commission (Commission) in response to the amendment submitted by ConSol Home Energy Efficiency Rating Services (CHEERS) to its application for approval for the 2019 Building Energy Efficiency Standards, 19-HERS-01.

CHEERS and CalCERTS were both approved by the Commission on October 14, 2019, as HERS Providers for the 2019 Building Energy Efficiency Standards. Application materials and approvals are posted to Docket 19-HERS-01. On December 24, 2019, an amendment was filed by CHEERS notifying industry stakeholders that CHEERS is changing its name to Cal Energy and Cal Energy Registry. CalCERTS has the following requests for clarification in response to the posted amendment.

- 1) Does the amendment constitute a substantive change under section 20 CCR 1674(f), of the HERS Regulations?
- 2) Is the Commission concerned about confusion or transparency with industry stakeholders given the proposed name change? CHEERS has chosen a name very similar to the Commission itself. Cal Energy is the name the Commission has adopted for social media purposes, for example see the Commission's twitter account @CalEnergy. CHEERS, as Cal Energy has adopted a logo and font-style very similar to the Commission. Does the Commission anticipate requiring safeguards on CHEERS/Cal Energy to promote transparency to stakeholders ensuring there is no confusion between CHEERS and the Commission?
- 3) As part of CHEERS' approval, CHEERS is subject to special conditions of approval to protect against conflicts of interest. (Please see the *Executive Director Recommendation to Certify*

*CHEERS, Inc as a HERS Provider for Field Verification – Docket 19-HERS-01 TN# 229794, at number 18, referencing §1673(j) at pp. 7-8, Additional Conditions of Certification at p. 11.)*

CHEERS' parent company works directly with builders and industry stakeholders that are specifically required by regulation to be separate from HERS Providers and Raters. These conflicts are defined throughout the regulations.<sup>1</sup> To comply with the HERS Regulations, the Commission addresses CHEERS' parent company by adopting safeguards in its approval order.

Does CHEERS/Cal Energy's new marketing materials targeting these same stakeholders further obfuscate the lines between itself and ConSol? Will the Commission issue additional conditions given this amendment? Will the Commission amend its existing conditions to reflect the new names adopted by CHEERS?

CalCERTS appreciates the opportunity to comment on this amendment.

The CalCERTS Team

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<sup>1</sup> 20 CCR 1670 et seq.