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Comment Received From: Steve Uhler
Submitted On: 1/22/2020
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BSTD-19-08 SMUD's application's use of Compliance Manager

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Dear Energy Commission Commissioners,

SMUD says they will work with Commission staff to identify programming changes that will be necessary to enable Title 24 compliance software (Compliance Manager) to model and determine the size of SolarShares allocations needed for each participating home.

SMUD says they will allocate SolarShares generation shares equal to the time dependent value (TDV) energy generation determined by Commission-approved compliance software that would be required if the participating home complied with the 2019 Building Standards through installation of an onsite PV system.

The feasibility of SMUD's application is dependent on rulemaking as described below for the adoption of building efficiency standards that the Energy Commission adopts pursuant to Health and Safety Code - HSC 18930. (a) for building efficiency standards that will be included in Compliance Manager compliance software. SMUD's application is also dependent on the adoption of RPS regulations in the proceeding docketed as 16-RPS-03 pursuant to Public Utilities Code - PUC 399.21. (a) (1) and PUC 399.30. (c) (4).

The requirements of Title 24, JA11.5 remote monitoring do not offer the use of performance monitoring based on RPS regulations. RPS monitoring allows resource shuffling that is prohibited for programs such as building efficiency standards programs pursuant to Public Utilities Code - PUC 454.53. (a). A rulemaking is required, to use other monitoring methods and equipment than required by JA11.5, just as a rulemaking is required to allow heat pumps to not have fixed mounted thermostats.

You can't control and make use of energy you can't measure in real-time. Compliance with the real-time data requirements of JA11.5 are key to increasing renewable energy use by the home under programs such as SolarShares. For the Emissions Reduction Benefits under C9 in RESIDENTIAL COMPLIANCE MANUAL CEC-400-2018-017-CMF to be credited to the home, the occupier of the home will need to use the renewable generation tracked by JA11.5 in real-time and not rely on prohibited resource shuffling as SMUD proposes.

SMUD appears to have difficulty supplying real-time information such as JA11.5 requires, see attached video below. Perhaps SMUD's process improvement program has not been successful in resolving the issues for real-time monitoring spoke of in the video. Perhaps this is why SMUD wishes to avoid JA11.5?

Just supplying renewable energy is not a energy saving benefit. JA11.5 remote monitoring in

real-time may be the only PV related energy saving benefit 150.1 standards have to offer. 10-115 (a) (3) requires the community shared solar electric generation system shall provide energy saving benefits directly to the building that would otherwise have been required to have an onsite solar electric generation system and/or battery storage system. Do not confuse saving benefits with savings benefits. Saving is the action, savings are the result.

If SMUD's application is not amended to comply with JA11.5 and the Energy Commission does not adopt building efficiency standards allowing RPS monitoring regulations in place of JA11.5 remote monitoring, SMUD SolarShares is a partial compliance with 10-115. A permit can not be issued by local authorities without JA11.5 remote monitoring method of compliance in connection with SMUD SolarShares.

Section 25402 of the California Public Resources Code (the code) authorizes the Energy Commission to develop and maintain Energy Standards for new buildings. This section of the code, commonly referred to as the Warren-Alquist Act (the act), is direction from the Legislature on the development of Energy Standards in California.

The act created the Energy Commission in 1974 and gave it authority to develop and maintain building energy efficiency standards for new buildings. The act directs the Energy Commission to "prescribe, by regulation, lighting, insulation, climate control system, and other building design and construction standards which increase the efficiency in the use of energy for new residential and new nonresidential buildings." The act directs local building permit jurisdictions to withhold permits until the building satisfies the Energy Standards.

Pursuant to Health and Safety Code - HSC 18930. (a), Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code (aka APA).

The Commission should table SMUD's application placed on any agenda until the changes to the building efficiency standards implemented in the Compliance Manager compliance software are adopted pursuant to the APA to allow the energy saving benefit of JA11.5 remote monitoring requirements to be replaced by RPS monitoring where SMUD intends to use resource shuffling that the Energy Commission is prohibited to use the utilize in programs authorized under existing statutes to achieve the policy pursuant to Public Utilities Code - PUC 454.53. (a).

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Additional submitted attachment is included below.

Sacramento Municipal Utility District



Policy Committee Meeting

November 17, 2015

Audio Only

