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In the Matter of:

2020 Energy Code Pre-Rulemaking ) ) Docket No. 19-BSTD-03
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STAFF WORKSHOP

2020 ENERGY CODE – ACCEPTANCE TEST
TECHNICAL CERTIFICATION PROVIDER

WARREN–ALQUIST STATE ENERGY BUILDING
ART ROSENFELD HEARING ROOM, FIRST FLOOR
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

TUESDAY, MARCH 10, 2020
9:00 A.M.

Reported by:
Martha Nelson
APPEARANCES

STAFF

Joseph Loyer, Senior Mechanical Engineer
Lorraine White, Manager, Standards Compliance Office
Matthew Haro, Mechanical Engineer

PUBLIC COMMENT

Michael Scalzo, National Lighting Contractors Association
Michael Jouaneh (via WebEx), Lutron Electronics
Jim Hodgson, Cal Energy
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MR. LOYER: Hello everyone. My name is Joe Loyer from the California Energy Commission.

I’m just going to adjust this mike a little bit.

This is the Staff recommendations for the 2022 Energy Code. Just a quick word of a couple of things here. This is for the Acceptance Test Technician Certification Provider Program. And we’ll be discussing some recommendations that Staff has for modifications. The majority of these modifications will -- are likely to have no impact to current practices or additional costs.

We will be discussing the nonresidential data registry and its relationship with the ATTCP program in the afternoon at 1:00. So we will go with the morning session and then wherever we -- when we finish up with that, we will stop and break for lunch, however long that is, and then we will go on to the afternoon session.

Let’s see, and just so everybody knows, WebEx is acting up a little bit, so hopefully this will work out here. Yeah, here we go.

There’s the welcome.
Some housekeeping. This is the CEC WebEx main page. That is a hyperlink text. That’s the meeting number.

Oral and written comments are going to be accepted during this workshop. We ask that people here at the Energy Commission do use the microphone. Right now we only have a few people here in the room, so we will not be using the blue card or, in general, limiting people to time.

If you would like to speak online, you’re going to need to raise your hand. And if you all noticed, I have the participants window open here, so I will periodically scan through that to see if your hand is raised. We ask that you -- you have control over your mute but we ask that you not un-mute yourself unless you’re going to -- unless you’re called upon to speak. And I will un-mute you as well. So you are encouraged to comment at any time. Like I said, please use the microphones.

We do have a Court Reporter, as well as a recording on the WebEx. If you are in the room, please use the microphone, and please do give the Court Reporter your name or business card.
Comments are to be submitted by the -- to the Docket Unit by 5:00 p.m. on March 20th. The Docket number is 19-BSTD-03.

The rulemaking page is hyperlinked here. The documents and presentations for this meeting will be available on the rulemaking page as well. Any comments may become part of the public record for this proceeding, so do keep that in mind when you are commenting.

And let’s see here, oh, there it is. And for people in this room, so if you’re not familiar with this building, the closest restrooms are located across the aisle here. And in the event of an emergency and the building is evacuated, please follow yours truly out the appropriate exit and into Roosevelt Park.

So the workshop agenda, we have an introduction and background and ATTCP program background. Before we get into the first proposal, which is a database requirement for all ATTCPs. We have recommended changes to the Lighting Controls Acceptance Testing Requirements. And we have the shut-off lighting controls, automatic daylighting controls, demand response lighting controls, and institutional
tuning adjustment facts -- power adjustment
factor, outdoor lighting controls, then lunch,
and then we’re going to get into the recommended
changes of the nonresidential data registry
around one o’clock.

So moving into the introduction and
background, this is primarily -- and I’m just
going to roll this down a little bit so -- well,
I guess that’s as good as I can make it there.
This is the history of the Energy Commission.
This is the Warren Alquist that established the
Energy Commission in 1974, giving it the
authority to develop and maintain the Building
Energy Efficiency Standards. The Standards
require new requirements to be cost effective,
which is unlike almost any other part of the
Building Code. The Energy Commission is required
to update these Standards periodically. We
typically do that on a three-year cycle.

So the policy drivers, there are
actually many, many policy drivers for the
Building Standards. These are the ones that are
the most recent and the most evocative into the
Standards.

The Energy Action Plan, that’s ZNE, zero-
net energy for residential buildings by 2020. We did accomplish that for the 2019 Energy Standards, and the nonresidential buildings by 2030. SB 100, clean energy by 2045. B-55-18, Governor Jerry Brown’s Executive Order to achieve carbon neutrality. And then the AB 3232. This is, as it says on the screen here, this is to assess the potential of the state to reduce the greenhouse gas emissions in residential and commercial building stock by at least 40 percent below the 1990 levels. And they want to try and get that assessment done -- or that target by 2030.

So the ‘22 Standards updates schedule, in general, right now you see at the top here left, March 10th, Staff Workshop, that’s this workshop. March 26th is the Staff Workshop on the Energy Design Rating. And then we have the Commission-sponsored workshops going on from August to October. Express terms being developed in September-November.

And then February ‘21, all the rest of the dates are in 2021, except for the effective date, February is the 45-day language, March is a Lead Commission hearing, July the adoption, then
the final Statement of Reasons is September, adoption of the CALGreen in July, approval of the manuals in December, and a final rulemaking package in October. The California Building Standards Commission approval hearing is in December '21. And the software, compliance manuals and the electronic documents will be January 2021. The effective date is still scheduled for January 1, 2023.

This is the utility stakeholder meeting schedule. You can see that this actually fits in pretty well with the schedule for the Staff workshop. All of these get completed prior to the Staff workshop. And I you can see, the third one down, “Nonresidential Envelope Part 1: High Performance Envelope,” that is today. So we had a little conflict there but -- that we couldn’t resolve, so we’re going to have both meetings.

And let’s do a quick check here on -- let me see if I can get this. We do have quite a few people online. Just a quick scan. I don’t see anybody’s hand up. So I’m just going got check to the chat box here and see if there’s anything there. Okay. Well, let me get into that. There we go.
So a little background on the Acceptance Test Technician Certification Provider Program, or ATTCP Program. We established this program in the 2013 Energy Code. The main purpose of this program for the Energy Commission was to improve compliance with the acceptance testing for lighting controls and for mechanical. ATTCPs are approved by the Energy Commission to provide the training, certification and oversight for Acceptance Test Technicians, or ATTs, and for acceptance test employees that employ the ATTs.

As of July 1, 2014, acceptance testing is required for -- acceptance testing for lighting controls must be performed by a certified ATT. This is not the case for the mechanical side yet but we suspect that will be happening soon.

So if there are no questions for the first part of this, we’ll move right into the database requirement.

And I’ll just check here, just to make sure. No, I’m not seeing any. And I’m going to check the chat window as well. Normally, the chat window, the participant window, are invisible to people online. However, this is one of the things in this -- when we practiced this
the other day, it went fine and today, eh, not so much but it’s okay.

So we’re pretty good on time here.

So the database requirement for all ATTCPs, so the Energy Commission has the authority to evaluate the energy efficiency programs for public benefit of public good, compliance with the Energy Code, greater energy savings, and cost effectiveness, and this is after they have been established in code. So we can and we don’t -- it’s not within -- it’s within our Warren Alquist Act to be able to do this. It’s not within the regulations themselves. So our objective in doing this is to make sure that the programs that we do initiate in code maintain their effectiveness and are worthy of going forward.

The CEC has access to the ATTCP Program-related data is necessary to evaluate the program performance. The current database functionality is only defined for mechanical ATTCPs. And the CEC staff has access to the information from those particular databases on the mechanical side, not so much on the lighting side, so -- and we’ll get into that a little bit more here.
So the background, there are two lighting controls ATTCPs, California Advanced Lighting Controls Training Program and the National Lighting Contractors Association of America. There are four CEC-approved mechanicals, that’s the California State Pipe Trades Council, the National Energy Management Institute Committee, the National Environmental Balancing Bureau, Refrigeration Service Engineers Society.

So each ATTCP has implemented a database system to track proposed and completed acceptance tests. The databases are voluntary. They’re not required under code, with one possible exception, and they are primarily to support the quality assurance program that each of these ATTCPs must run. That’s their main purpose for as far as the Energy Commission is concerned anyway.

So what we have right now is -- what we’re talking about is an addition to Title 24, Part 1, Sections 10-103.1 and .2. The ATTCP database is not required under the Energy Code with one exception, this is to make a mechanical ATT equivalent to a HERS Rater for nonresidential duct leakage testing. And this has already been implemented, so the mechanical ATTCPs actually do
comply with this particular role. And the actual
language of the database requirement that we’re
thinking of is going to follow those requirements
right now. And they’re currently in NA1.9.

All mechanical ATTCPs comply with this
requirement, and lighting controls are not
subject to this requirement, so there is a sort
of disparity of how we treat mechanicals over
lighting. But the allowance to make an ATT
equivalent to a HERS Rater is voluntary for the
mechanicals. They don’t have to do that. They
have all chosen to do that.

So the proposed change, we want to make
the database a separate requirement for all
ATTCPs, regardless of lighting controls or
mechanical. We want that database to be
similar -- that requirement to be similar to what
is in NA1.9. We it to support the quality
assurance program. We want it to provide printed
and e-copies of completed acceptance tests. We
want it to provide verification services to
authorities having jurisdiction. And we want it
to provide the Energy Commission with
administrative access. Now this particular
administrative access, we want this access to be
limited to viewing and reporting only. We do not want the Energy Commission to have the authority to change anything in this database.

So potential impacts, there’s actually every little in terms of impacts. All six ATTCPs have a database of one kind of another. The lighting controls may have to make some modifications but it’s just -- we don’t think it’s going to be very much on their end.

Compliance and enforcement may improve the AHJ enforcement of the Energy Code but it will not add a burden to the existing compliance efforts by the ATTCPs or the AHJs or, actually, industry at all. If anything, it may improve it but it probably will have no impact.

So this is the last slide on this particular one: Comments. So in the future, if a nonresidential data registry may be approved by the Energy Commission, and we’ll need to interact with each ATTCP, should Staff consider an exception for the database requirement if the ATTCP relies exclusively on the Nonresidential Data Registry?

This came up as just a normal interaction between a perspective nonresidential data
registry and an ATTCP. They found that they can work together and still maintain their quality assurance program, which is the key element here for us, so additional technical considerations, making sure the ATTCP does support their quality assurance program. Track proposed and completed acceptance tests. Maintain a list of approved ATTs and ATEs. Provide a means for the AHJ to validate the acceptance tests. And provide CEC with administrative review access.

So at this point, I’m going to do a quick stop and let’s see if anybody has any questions from online. It does not appear. I don’t see any hands up there. And let’s check the chat and nothing in chat.

And any questions in the room? No?

Okay.

We’re going to have a long lunch, I can just feel it.

So the next item is the shut-off lighting controls. So we’re going to be covering two topics in shut-off lighting controls, aligning the occupancy sensing lighting controls construction inspection with the Energy Code. This is essentially no real change, it’s just to
formally say, yeah, we want the construction
inspection portion of the acceptance test
actually, explicitly, line up with the Energy
Code. Right now the forms, themselves, actually
do this. We just want this to be consistent
within Code. Then include each type of occupancy
sensing control in Reference Appendix NA7.6.2.3.
And, by the way, that’s how I actually read out
those sections. Instead of saying NA7.6.2.3., I
just say NA7623 [sic].

So the first one, occupancy sensing
control construction inspection, the construction
inspection requirements are not closely linked
with the Energy Code and we would like them to be
more. And they’re supported by Energy Code. We
absolutely would not put out a form anymore that
is not directly linked to the Energy Code
requirement.

The background, so ATTCPs train the ATTs
to actually perform the lighting controls as they
are, construction inspection, functional testing,
and completing the forms.

The construction inspection portion, it
typically has a specific checklist that is based
on the documentation, the installation
requirements that are specified in the Energy
Code and in NA7.

The verification that the installation is complete in preparation for the functional test, that’s one of the big goals of the construction inspection, is to make sure that the actual installation is ready for a functional test. Not only that, but to make sure that at the construction inspection level, that everything is still compliant with code and still compliant with design. That’s one of the things that a lot of people leave off when we’re talking about acceptance testing is that it is intended for compliance with code and compliance with design. That design is an approved design by the local jurisdiction, by the AHJ, so it has to be compliant with both.

There are over 2,000 certified ATTs for lighting controls right now. They’ve performed over 27,000 lighting control acceptance tests, the bulk of which are in Los Angeles County. However, I’ve got to say, I’m getting more and more calls of -- from contractors of how do I become or how do I get a hold of these forms that the local jurisdiction is now requiring of me?
So it leads me to believe that we’re having more
and more local jurisdictions realize that this
program is available to them and all they have to
do is enforce it. It is code. They are supposed
to enforce it. They are, generally, moving in
that direction very well. So we think that this
is going to be more the rule than the exception
going forward.

The current code requirements here, this
is the general requirements here. You can see
the paragraph. I’m not going to read all this
out but you can see it references 130.1(c). And
that’s how when -- this is the actual acceptance
test for the construction inspection. And,
basically, this is how we actually construct the
form. We go back and we look at Section 130.1(c)
and we see what the actual requirements are. It
says here that, yeah, you have to be a control-
type -- you know, in compliance with 130.1(c).
So we actually go through the checklist. We
figure out what it is that we want the acceptance
test to look at, how it lines up with the Energy
Code, and then we reference that Energy Code in
that checkbox.

So -- and then you can see here on the
prior to functional testing verification document the following. We have A, B, C, D and E. Only E of this is actually referenced directly in code. The rest are not directly in code.

Do I need to go back for you? No? We’re good? Okay.

So the proposed change, we want to clarify the overall acceptance test requirements for the occupancy sensing lighting controls and verify the construction inspection requirements are supported by the Energy Code.

So you can see the first bullet here, minimizing false signals, at least four feet from the HVAC diffuser, not detecting adjacent zones, and being free of obstruction, they’re not explicitly in the code and we would like to make -- we would like the code to actually support them directly. So while these are not really changes, these are things that we want to have in either NA7 or in the Energy Code itself. Ultrasonic occupancy sensor, that comes directly from Section 110.9(b)6Bi -- ii, sorry.

Potential impact, there are no new tests being required, no new requirements. The changes are for clarity only. ATTCPs may update their
certification training materials or may not. No additional burden to the AHJ has been identified. And there should, actually, be no additional burden to anyone. This is not going to be a substantive change, only a change to the support of the existing language. We would like to hear from stakeholders if they have any suggestions, specific suggestions for how to improve the construction inspection requirements.

And I believe that’s the last slide for this particular section, so I’m going to take a quick look here. I do not see -- oh, I see a comment here. Let’s see what happened here. Let’s see the chat. Oh, okay. Oh, so I’m just going to read the chat out here. Everybody should be able to see this online but it’s for the people in the room.

“Is it the city zoning department that approves an ATE application for a construction? So I’m going to unpack that a little bit. The ATT, Acceptance Test Technician, is typically a technician or a contractor. They have to apply to the ATTCP, the provider that’s been approved by the Energy Commission, and that person then can perform the acceptance test for lighting
controls and submit the acceptance test to the local building department, the AHJ or the city zoning department. Each local jurisdiction runs it a little bit differently, exactly how -- who you’re going to be submitting that to.

But the city zoning department, so is it the city zoning department that approves the acceptance test application for a construction? So they accept the acceptance test and they will, ultimately, approve it or disapprove it at that point, but this is during the construction phase.

And I think -- is there a comment to be made?

MR. SCALZO: (Off mike.)

(Indiscernible.)

MR. LOYER: Okay. Yeah. Let me see if there’s any other -- I think there was only just that one, so --

MR. SCALZO: Mike Scalzo for --

MR. LOYER: Oh, turn your mike on. There you go.

MR. SCALZO: All right. When we’re talking about the construction inspection, when you’re talking about your proposed changes, especially when we’re speaking to areas, like
adjacent to and false triggers, we were just
going over this in the testing procedures, we
don’t find those to be very helpful in the
construction version. It’s more of a functional
test that you’re going to do because you can’t
physically see PRI waves traveling into adjacent
areas and you can’t see false triggers from just
a conservation inspection. I think that should
almost be moved into a functional testing because
that’s when we physically walk around, we walk in
the entry doors and we see if we’re getting false
triggers or walk through an adjacent room to see
if we’re getting triggered that way. So that
would be my recommendation, is look at those
particular to and movement to the functional
testing.

And then, maybe, if we’re trying to get
in line with code, maybe adding the additional
functional testing or construction inspection
requirements of 130.1(c)(5) where we’re looking
at the requirements for partial off and vacancy
versus what I started to call full-on now, what
the code calls occupancy sensor, we call full-on,
maybe we could get that included because I know
that gets overlooked tremendously in projects.
There’s nothing in the testing procedures to cover that.

   And, I’m sorry, Michael Scalzo, NLCAA.

MR. LOYER: Thank you, Michael. Yeah, we’ll take those comments under consideration.

   It almost looks like there is two comments. Is it? No. No. No, that’s just how WebEx is working. Okay. Interesting. All right.

   Let me check the comment window again, the chat window again, and see if there’s anything there. Okay. Okay. All right, so, well, we’ll move on here.

   This is the second under the occupancy. So each type of occupancy sensing control in Appendix NA7.6.2.3, so it does not clearly specify each type of occupancy control and there are four controls: occupant, partial-on, partial-off, and vacancy sensors. So the 2016 acceptance test compliance document included separate sections for each one of the floor. NA7.6.2.3 does not reflect the compliance options.

   Industry enforcement are -- have been reported to, as it says, being somewhat hampered by the inadequate compliance document.
So occupancy sensors are only one type of
the occupancy sensing control. And we would like
to see all four specified in the Energy Code as
to their acceptance tests.

The current occupancy sensing controls
test procedures are in, again, NA7.6.2.3. They
are most specifically to the occupancy sensor and
do not address partial-on/partial-off occupancy
sensors. There is one step that addresses
vacancy sensors.

So we would just like to clarify the
occupancy sensor acceptance test to include the
requirements to test each type of occupancy
sensing control.

Again, you’re going to see these four
bullets under the potential impacts quite a bit
in this particular section. No new tests, no new
requirements, no changes. The changes are only
for clarification. The ATTCP may update their
training materials. And there should be no
additional burdens to the AHJ.

We would like to hear from stakeholders
that, you know, are agreeing with Staff
recommendations or have other suggestions on how
to improve the acceptance test requirements in
NA7.6.2.3.

And we’ll just check real quick. Wow, I could use a little bit more length on this mouse here. Let’s see if that works a little better. All right. Oh, I got a hand raise. Okay. Okay. So, Michael, I’m going to un-mute you here. All right, Michael, go ahead.

MR. JOUANEH: (Via WebEx) Yeah. Yeah. This is Michael Jouaneh, Lutron Electronics. Comments, or maybe it’s a question. I hear an echo.

But many -- in many cases, an occupancy sensor, regular occ sensor is programed or set to be a partial-on or partial-off or (indiscernible). But -- so how would that be accounted for? It’s an occ sensor but it’s set up the right way for it to be compliant with the Title 24 requirement.

MR. LOYER: So I’m not really clear on -- I don’t think there’s really a problem there. The acceptance test procedure actually does kind of cover this. So I think it’s in the procedure already. But an occupancy sensor can be set up this way, at least in some cases.

I’m not sure exactly how better to
address the comment, Michael. I’m sorry.

MR. JOUANEH: It just, it sounded like the acceptance tester has to say, is this is a vacancy sensor or a occ sensor or a partial-on or partial-off. In most cases, it’s the (indiscernible).

MR. LOYER: So in --

MR. JOUANEH: Maybe I missed it in the slides.

MR. LOYER: So are you saying that in your experience, in most cases, the occupancy sensor doesn’t fall into one of those four categories?

MR. JOUANEH: I mean it would be set up to one of those four categories but it’s always an occ sensor.

MR. LOYER: I see what you’re saying. Yeah, I understand.

So, yeah, however the occupancy sensor, in that particular situation, would be set up would be the way that we would go forward with that particular acceptance test. So you would choose it as to be an occupancy sensor. And you would also then indicate it’s actual setup as to be partial-on/partial-off or -- and I’ve
forgotten the other option.

But, yeah, the way we envision it, it won’t change significantly from what the forms are now but it will be a little bit more clear as to how it’s supported in code and how it can be done more efficiently.

MR. JOUANEH: Okay. Thank you.

MR. LOYER: Um-hmm. Thank you.

And, oh, and, Michael, go ahead and click on your raised hand and lower it. And I am not seeing anybody else raising their hand, so I am going to go ahead and move on.

So the next subject is the demand responsive lighting controls acceptance test. This is NA7.6.3. The procedures currently include steps that are not able to be verified through visual inspection prior to functional testing and a reference to requirements in the Energy Code without specific directions. So what we want to do here, obviously, is align the inspection with the Energy Code and the intended purpose of the construction inspections.

So background, the requirements for testing procedures are based on the Energy Code.

The demand response requirements were expanded in
the 2019 Code, however, NA7.6.3.1 requirements were not updated accordingly.

The ATTs and ATTCPs have to -- ended up having to interpret these requirements in the field. And the Staff provided interpretation that we feel should be added to the Energy Code for clarification. The current requirements are difficult to enforce for AHJs this way, the way they are right now.

So the Staff revised the compliance document. And the compliance documents have a, really, kind of complex set of codes here. NRCA, that’s nonresidential certificate of acceptance. LTI is lighting, indoor. And 04 is the fourth one. NA is for the contractor, or acceptance tester in this case. So this is LTI-04. And we’re always going to be talking about the NRCAs, the acceptance test forms, so we want to have those specific requirements included from 110.12(a), we think, will actually help to solve this problem.

The prior functional testing verification requirements, these are the two requirements. You can see that they’re very general in this way so we did have to reach back into code when we
produced the forms, and that we did. So our proposed change is to replace the current construction inspection with relevant items from 110.12 that could be verified through visual inspection prior to functional testing. And that is, essentially, the way the form is set up now.

So what we want to do is just have an explicit into our acceptance test that these are going to be the checkboxes that we actually do use.

Again, our big four here. Is there any additional relevant information Staff should consider related to this recommendation?

And I just want to -- you know, it may be a little bit difficult to participate online. And I just want to remind everybody, you can submit comments to our docket and we will respond to them.

And, let’s see, it doesn’t look like I have anybody with a comment window up or a hand up. I’m going to check the chat boxes. Okay. All right. Let’s see here.

Okay, so I have -- is this still from Victor? Yeah. Okay. So I’m going to go back up.
Victor, I’m sorry, I did not see this comment earlier, so, “Does the city have to do post inspections once construction is complete?” Absolutely. There is no impact on the cities’ inspection routines. This is just acceptance testing via these forms and via the ATTCP program. It’s just a simple add to the tools that the inspector has.

Let’s see. And my mouse went away there for a minute there. Okay.

Again, from Victor. “Not sure if an appropriate question for everyone but is there a guideline on how much ATTCP services can change -- can charge?”

From the Energy Commission -- sorry about that -- from the Energy Commission perspective, no. The Energy Commission does not dictate monetary exchanges between contracted parties. So we set up the program and we do our best to make sure that there is enough of a competitive market that people have a choice.

And does somebody want to comment in the room?

MR. SCALZO: Yeah. Really quickly, Joe.

Thank you. Michael Scalzo, NLCAA.
Agree with this proposal. That clarification would be extremely helpful for the ATTs for sure. And I don’t know what else you have.

I’m sorry, I don’t have a list of all the agenda items for daylighting. One thing I just wanted to ask about is since LEDs are more prevalent on our construction projects, that’s all we’re seeing now, is there any chance of us removing that default chart that we use for daylighting? Because when we’re looking at that LED line, the default chart, the power-to-ratio --

MR. LOYER: Um-hmm.

MR. SCALZO: -- conversion chart, it’s almost a one-for-one. Could we use it like an acceptable proxy, like we do for outdoor lighting, where we don’t actually use that chart, we just use an acceptable proxy using RI? Maybe the CEC might consider that since we’re only using LED now and we don’t have those great gaps?

MR. LOYER: So I think that’s a great idea, Michael. What I’m going to ask you to do is actually submit that in writing to the docket and be as specific as possible.
And that’s one thing I do request for most everybody, be as specific as possible when you do submit your comments. Give us code references, if you can, but we will take any comment. But from Michael, yeah, we make him code reference.

MR. SCALZO: Okay. Thank you very much, sir.

MR. LOYER: And we have a hand up from Michael here.

So, Michael, I’m going to un-mute you here. All right. Go ahead.


For demand responsive testing, one of the problem areas has been the steps in the acceptance testing that says something like lighting can’t be set to lighting to normal (indiscernible) in a simulated demand response situation. And then lighting can’t go lower than the 50 percent level, which is not in (indiscernible).

So I would like that to be harmonized so there’s not additional requirements in the acceptance testing procedure that aren’t in the
(indiscernible), meaning don’t have that step that says, you know, lighting can’t drop below the 50 percent level.

I’m just taking some notes there, Michael. Sorry about that.

So that, actually, would be, I believe, a change in code requirement. So this particular proposal right now isn’t requiring a code change. Now that said, I would absolutely like you to submit that comment in writing if possible. If not, we will pull it from these proceedings and we will pass it on to the Building Standards Office and, you know, Staff interior to the Building to discuss it. That’s about as good a promise as I can make as a response at this particular point.

We will consider it but we would prefer that you do submit that comment in writing if possible. Is that going to be possible for you to do, Michael?

MR. JOUANEH: Yes.


Okay. Okay, I’m going to check the chat window one more time here. Okay, some from Sophie (phonetic) Davenport -- or Davonberry (phonetic),
I’m sorry. “So please repeat what is being said over audio because the echo makes it hard to understand.”

Yeah, I admit the echo sometimes gets a little bit rough, in particular for when we have people participating from WebEx. We will have a recording of this available, actually, I think it’s within 24 hours. So in -- but in future, I’ll try to paraphrase what the speaker is saying. But it actually was cutting out for us too.

So automatic daylighting controls for acceptance tests, we have three items under this one: aligning the construction inspection with the testing procedures, adding daylight dimming plus off power adjustment factor check to the stepped switching/dimming functional testing -- not that we’re getting into the weeds at all -- and specify that acceptance testing is required for automatic daylighting controls in secondary -- and I’m always going to stumble over these words -- sidelite daylit zones complying with section 140.6(d).

So the first one, automatic daylighting controls construction inspection consists of a
general language that the controls comply with 130.1(d) without providing any further details. The language in NA7.6.1.1 consists of general statements that refer to 130.1(d). The compliance documents follow the requirements and exceptions in section 130.1(d). And we’ve kind of discussed this already a little bit. Industry and enforcement can easily track the compliance document to the regulations. That was the whole intent when we redid the forms this year for 2019.

So construction inspection, this is the construction inspection here, and you can see that it is very general. It references directly to 130.1(d). So we just want to replace that with a list, a checklist, from section 130.1(d). And there will be no impacts from this because we’re not actually making any changes. We’re just making the NA7 section consistent with the Energy Code.

But if you -- we would like to hear from stakeholders if you have any specific suggestions for additional improvements in the construction inspection requirements.

And, so, yeah, you know what? The chat
window actually has a little marker on it to tell me if somebody’s added something, so I don’t have to completely open it. We will take a look here. All good.

Oh, so we have a comment in the room?

MR. SCALZO: That’s all right. I try and make mine really short. Michael Scalzo, NLCAA.

MR. LOYER: We’re going to start limiting you.

MR. SCALZO: I got my notes out of order on that default chart. Sorry.

One thing I did notice is that some of the requirements, if you go back where we’re supposed -- the ATT is supposed to -- one more, where we’re talking about the requirements and the exceptions --

MR. LOYER: Um-hmm.

MR. SCALZO: -- that the ATT is supposed to document the exceptions when daylighting is not used, there is no place on the forms, I know on our software we have a location, but --

MR. LOYER: Yeah.

MR. SCALZO: -- there’s no place on the forms to document exceptions that weren’t noted, maybe by the designer. So that might be
something we could add to the NRCA forms.

MR. LOYER: Yeah. And we can actually
fix the forms mid-code cycle. So if there are
deficiencies in the forms that people out there
notice, yeah, drop us -- make -- give us a
comment. Let us know that there’s a problem.
We’ll consider and it and we’ll definitely
consider that.

MR. SCALZO: Thank you.

MR. LOYER: Um-hmm. And let’s just
double check. No comments there. No hands
raised.

Well, so this is the power adjustment
factor. So add daylighting dimming plus off
power adjustment factor check to the stepped
switched/dimming functional testing requirements.
That’s a lot of words, a lot of explanation.
Honestly, this is just as minor as the rest of
the changes that we’re discussing here. The
functional testing procedures for the stepped
switching/dimming control system are missing a
check for daylighting dimming plus off power
adjustment factor and we propose to just add
that.

The background. The automatic
daylighting controls acceptance test requirements, the continuous dimming controls and stepped dimming controls, switch controls. Staff confirmed the intent of the regulations to include the PAF check and both sets of functional testing procedures. Staff consulted with the ATTCPs on the potential impacts. We revised the compliance document, LTI-03, to include the missing step. No code change was required.

The current code requirements, this is a functional test system for system that have more than ten levels of controls. So it identifies the minimum lighting location -- daylighting location in a controlled zone by one of the two methods here, the illuminance or distance method. It requires ATTs to perform the no-daylight, full-daylight, and partial-daylight tests. And there is no explicit consideration given for the PFA currently within the acceptance test procedure.

So our proposed changes is to use NA7-6.1.2.2, the continuous dimming control system, as the guide, maintain the functional key -- functional test requirements, and have both sets of functional testing procedures requiring the
PAF is the PAF is claimed.

Again, our favorite four statements here.

Is there any additional relevant information Staff should consider related to this recommendation?

And I don’t see any hands raised. And we’ll check the chat. So there’s nothing in the chat. All right.

So automatic daylighting controls and secondary sidelit daylit zones. I am going to stumble over that every time. So NA7.6 does not explicitly state that the -- that acceptance testing is required for automatic daylighting controls and secondary sidelit daylit zones complying with the prescriptive requirements in section 140.6(d).

So the background here, and this is going to be -- I like to refer to this as the daisy chain. So the requirements for the secondary daylit zones -- secondary sidelit daylit -- I knew it -- sidelit daylit zones are in section 140.6(d). The enforcement of section 140.6(d) is provided through its reference to section 130.1(d), so we are harking back to 130.1(d).

Section 1301.(d) is enforced through the
acceptance test NA7.6.1. The ATTCPs have trained
the ATTs to perform these acceptance tests for
both the primary and secondary sidelit daylit
zones. The AHJs have been relying on the ATTs,
trained ATTs, ATTCPs’ trained ATTs.

And we’ve been -- they’ve been enforcing
the secondary sidelit daylit zones using NA7.6.1
without direct reference but in compliance with
CEC direction. So we actually had a meeting
within the Energy Commission to verify that that
was the intent and that the forms, actually, and
the actions out in the field followed the intent
and requirements of the Standards.

And this is the current requirement here.

We’ve kind of been through this a little bit
already. We did confirm it, that it is a
requirement. So our proposal here is to simply
add a reference to section 140.6(d) and NA7.6.

So we also are recommending adding a language in
section 130.4(a)(3) of the Energy Code. And
130.4(a) is the requirements for the acceptance
testing of all lighting controls. And when you
make changes there, that is a direct change that
is made to all ATTCP training and certification
programs.
So, again, our favorite four statements here. Do stakeholders agree that this clarification is necessary and will have no significant impact?

And if -- we will check for comments here.

Oh, and, Michael, I got your hand raise, so I’m going to go ahead and un-mute you.


One of the areas that has some confusion, the secondary daylit zone, there’s been cases where acceptance testers thought that you needed a separate daylighting sensor to control lighting in a secondary daylit zone, and that’s not necessarily the case. So we’d want to make sure that that was clear, that while you test for acceptance testing of the secondary zone, it doesn’t necessarily require a separate physical daylight sensor.

MR. LOYER: So, as requested, I’m going to try and paraphrase that, but I think I got most of it. You are cutting in and out a little bit, Michael, that’s the difficulty we’re having.

But, you know, be that as it may, so
you’re just trying -- you just want to make clear
that they may have -- the code, in your view,
does not require there to be only one daylighting
sensor that controls both primary and secondary
daylit -- sidelit daylit zones but that the
secondary sidelit daylit zones can be controlled
by a separate sensor; is that correct?

MR. JOUANEH: Well, no, the reverse of
that.

MR. LOYER: The reverse of that? That
was it, yeah.

MR. JOUANEH: Basically, that one
physical daylighting sensor can control lighting
in the secondary zone and the primary zone.
There’s not a requirement for a separate sensor
in the secondary zone.

MR. LOYER: Okay. And in the room?

MR. JOUANEH: The acceptance testing in
the past, some of the language has applied and
has caused confusion. I just want to make sure
that we fix that.

MR. LOYER: Okay. We’re going to have a
comment in the room here real quick.

MR. SCALZO: This is Michael with NLCAA
and I agree with Michael, if I’m understanding
him correctly, and I’m going to try and reiterate.

MR. LOYER: Um-hmm.

MR. SCALZO: What Michael is speaking to is there’s multiple daylighting devices out there by manufacturers that can control multiple zones. And so you have one device controlling, let’s say, the primary and the secondary zones, so multiple zones, only one sensor.

Some of the problems that acceptance testers have when they’re out there is that when they are doing their functional testing the testing forms ask you for placement of the sensor. Is it in the control zone? Is it near the zone? So it’s asking you, do you have a device for that particular zone? And in the case of a secondary zone, you may be using the device that is in the primary zone, so it wouldn’t have its own device.

So it would be nice if the code, or maybe the testing procedures, state that, do you have a device dedicated to controlling the zone as opposed to having a device dedicated in the zone.

Is that correct, Michael?

MR. LOYER: Oh, and want to --
MR. SCALZO: Oh.

MR. JOUANEH: That’s good. Thanks Michael.

MR. SCALZO: You’re welcome. Yeah, you were breaking up pretty bad. And I agree, I totally agree with Michael, it’s just not clear. It would be great if we could get that cleared someway, somehow.

MR. LOYER: Okay. Do we think that that’s going to -- because I don’t have this one nailed down as good as I should. Do we think that that will mean a code change?

MR. SCALZO: No. It would just --

MR. LOYER: Okay.

MR. SCALZO: -- possibly be a form change, just a question on the form.

MR. LOYER: Okay.

MR. SCALZO: And maybe even in testing procedures, just to identify a device controlling the zone versus a device in a zone.

MR. LOYER: All right. Great. Thank you.

Seeing no further hands raised, and there is something in the chat here, oh, so Victor is suggesting for you, Michael, online, “Maybe
Michael might have both phone and computer mike on and that may be causing the echo?” So consider that, Michael, and see if you can help us out with that.

Okay, so institutional tuning power adjustment factor acceptance test, so the topics here are two. Institutional tuning in located in NA7.7. That seems like an incomplete thought. It’s just something that we’re going to discuss fairly quickly. And then simplifying the requirements for functional testing.

So most of the acceptance tests for lighting controls are in section NA7.6. This one happens to be in NA7.7. That ATTCPs already train, despite its location in 7.7, so that’s really not an issue. The current code in 7.7 actually describes the requirements for lighting controls installation with the exception of NA7.7.5.2. That describes the actual acceptance testing for institutional tuning, which is the construction inspection, functional testing, observation of tuning, or verification of tuning.

So what we are proposing to do for this issue is just to clarify the description and contents of NA7.7 better and not move it to
NA7.6. We were originally considering moving it to NA7.6 but, at this point, we’re going to just clarify the descriptions in NA7.7. This is, obviously, not going to cause any new issues.

Is there any additional relevant information that Staff should be considering related to this recommendation?

I don’t think so but we will see here. Nothing in chat and no hands raised.

So simplifying the tuning power requirement, the functional resting procedures currently state that if the ATT is observing the tuning of a system the party responsible for the tuning must certify that the remainder of the system is tuned in a similar manner. There is no mechanism for someone other than the ATT to actually certify results. The option to observe systems during tests and to have someone else certify the others are correct is delegating ATT authority to a non-certified technician. And this is the issue, I think.

So the background here, there are two methods for the ATT to verify the installation: observe that it’s -- observe the tuning as it’s performed or verify the tuning afterward. The
ATT can choose to work with the person performing
the tuning. The CEC has provided no specific
procedure for someone other than an ATT to
certify tuning results. The ATTCPs have trained
ATTs to perform the institutional tuning
acceptance tests. And these procedures can
create situations where the ATT must fail the
system if the person tuning is unavailable, which
is the wrong reason to actually fail a program or
fail a system.

So the current acceptance test procedures
are in NA7.7.5.2.3 and they do not provide
adequate compliance options with feedback from
the ATTCPs. So the ATTCPs, ATTs, ATEs are
hampered by an inadequate acceptance test
procedure and compliance documentation.

We have heard directly from the ATTCPs
that the current procedures are not practical to
implement because the CEC has not provided a
place for this on the LTI-05 form or any other
compliance document.

So the proposed change. We think these
are going to be minor changes to be consistent
with the Energy Code and ensure the procedures
are implementable. We don’t think -- there are
no new tests here. There are no changes. The
changes are only for clarification.

So are there any specific clarifications
stakeholders suggest for these test procedures?

No? No? No? No, I don’t think. We will check
the hand raise. Seeing none there. And the
chat, seeing none there.

Outdoor lighting controls. So we have
two for outdoor lighting controls. Staff
recommends these two -- to consolidate the motion
sensor procedures into one acceptance test and
combine astronomical time switch and automatic
scheduling controls test.

So there’s a separate acceptance test for
motion sensors, automatic schedule controls, and
automatic scheduling controls installed in
conjunction with motion sensors. So if you
didn’t catch it, there are three. There are
three there. So the motion sensors are only
permitted to be installed with automatic
scheduling controls and this is -- you’re going
to see this. This is actually kind of fun.

The 2019 Energy Code for the CEC changed
the outdoor lighting controls in section
130.2(c). So we have automatic scheduling
controls that would always be required. Motion sensors are only required in specific applications and that’s the key concept to get here. Automatic scheduling controls are required. Motion sensors are optional. Therefore, motion sensors will not be installed without automatic scheduling controls.

So, again the training for the ATTs that’s out there is already being performed. These instances do, in the field -- there are instances in the field where the ATT and the AHJ are confused about how the compliance documents are to be completed.

So we have three: we have motion sensor alone, automatic scheduling controls alone, and automatic scheduling controls with motion sensors. Our proposal is to drop automatic scheduling controls with motion sensors -- it sounds a little counterintuitive -- in conjunction with maintaining automatic scheduling controls alone and modifying the motion sensors to require automatic scheduled controls be tested first. That’s our proposed change.

So this actually does, again, result in no new tests, no new requirements, clarity only,
no additional burdens.

Is there any additional relevant information Staff should consider related to this recommendation? No? Yeah?

MR. SCALZO: (Off mike.) We’re going to --

MR. LOYER: Oh. Okay.

MR. SCALZO: -- submit.

MR. LOYER: So Michael is going to -- indicating he is going to submit comments.

I see no hands raised. And I do have a chat. Okay, from Victor, “For indoor lighting control requirements does an existing lighting group have to be split if only a portion of the fixtures in the group fall in the control zone?”

I think this was for like -- Mike, would you want to --

MR. SCALZO: Yeah. Can you repeat that one more time?

MR. LOYER: Yeah. So, “For indoor lighting control requirements does an existing lighting group have to be split if only a portion of the fixtures in the group fall in the control zone?”

MR. SCALZO: We’re talking about
daylighting?

MR. LOYER: I think so, yeah. I’m pretty sure.

MR. SCALZO: So, yeah, it would have to be separately zoned. If it’s primary zone versus the other general lighting, they would have to be separately zoned and separately controlled.

MR. LOYER: Yeah.

MR. SCALZO: Does that --

MR. LOYER: That sounds right.

MR. SCALZO: -- sound correct?

MR. LOYER: Thank you. So combining the astronomical time switch and the automatic schedule control tests, the astronomical time switch control acceptance test is redundant to the automatic schedule control acceptance test, so these are NA7.8.5 and NA7.8.6. The 2019 compliance document does not include a separate section for each. We actually do it in one section. And, basically, what we’re going to ask is that the code actually just reflect what we’re already doing in the forms.

So they’re a type -- the astronomical time switch is a type of automatic scheduling. NA7.8 currently contains an acceptance test for
both. The procedures are identical using the current compliance document. The ATTCPs have been training on this already. The AHJs have been using the ATTs group program to effectively enforce these requirements. The current code requirements has requirements for both. They are already included in both acceptance tests on one form. Combining the two onto one form, basically, this is a very simple change.

Obviously, no new tests, no new requirements, clarity only.

Is there any additional relevant information for Staff to consider related to this recommendation?

And I see no hands raised. And no comment in chat.

The last section here, before we break for a really early lunch, is minor editorial recommendations. These are non substantive, noncontroversial editorial changes that can be made to the Energy Code that we would suggest were made to the Energy Code. So correcting them is intended to clarify existing requirements, improve grammar, punctuation and structure, consistency, wording -- and wording of
procedures. There are minor recommendations for
Title 24, Part 1, sections 10-103.1 and .2, the
referenced Appendix sections NA, and there’s the
entire list right there, basically, NA7.6, 7.7,
and 7.8.

We welcome comments on the proposed
language which will be included in a Staff report
to be published at a later date. They are truly
minor.

And seeing no comments here, or chat, so
comment from the room?

MR. SCALZO: Michael, NLCAA again.

So in addition to the comments for the
proposed changes to this docket, can we also
propose other changes to the ATTCP Program? As
an example, when we’re looking at 10-103.1, the
curriculum, of altering the curriculum to be more
in line of what an ATTCP is, would that be the
appropriate docket?

MR. LOYER: Absolutely.

MR. SCALZO: Thank you.

(Off mike colloquy between Staff.)

MR. LOYER: Yeah, so we are at the break
point here. We aren’t going to start the
afternoon until 1:00. Excuse me.
So if anybody has any recommendations that were not -- that are not on our agenda explicitly or are, you know, maybe not even in the realm of ATTCP, if you have any comments or suggestions to make in regards to what we should be doing, changing in the Standards for the 2022 Code, do submit those comments to our docket system. In particular, the comments that are submitted regarding the ATTCP Program will be directed towards me and I will be able to review and edit them or review and consider them.

So with that, let’s see if we have any hands raised. I do not. And the chat window is empty.

If nobody has any further comments to make, we will go ahead and break for lunch. I can’t start the afternoon session until one o’clock. That’s when we have noticed it for, so we will leave the system open and recording, so do be careful about anything that you happen to say. If you are un-muted, it will be recorded and made part of the record.

So with that, if nobody has any further comments, we will break for a really long lunch.

Thank you.
MR. LOYER: All right, I’d like to welcome everybody back to the afternoon session. One moment. Now we’re good? Okay.

All right, yeah, I’d like to welcome everybody back to the afternoon session. We’re going to retrace a few minor things. We have a few extra people in the room, almost double the crowd we had this morning, so it’s great.

So since there’s a few more people here, if you’re here, let’s see, for those who are not familiar with the building the closest restrooms are across the hall here. And in the event of an emergency, please follow me to the park. So that’s about the extent of it. I’ll go out the right door. Just try to keep up.

So this afternoon, we will be discussing the changes, our recommended changes to the nonresidential data registry as they -- as we think they can work with the ATTCPS.

So in terms of the WebEx, the WebEx decided to work differently than it did in our dry run yesterday. So if you notice, on the screens in the room and online, you’ll notice
that the participant window is open. In the dryun yesterday the participant window didn’t show
and it was perfect. I could see it but nobody
else could. It was going to work great and now
it works like this. So, you know, that’s the way
it goes and we just deal with it.

If you have a comment to make, please use
the raise-your-hand function. I will scan this
every now and again for a raise-your-hand and
then I will un-mute you and you can participate
in that way. You can also use the chat.

And so here’s somebody who’s put a chat
up here, Joe Willoughby (phonetic), “An update on
the certification mechanical ATT count in the
near future?”

The short answer to that is, yes, but not
today. We have one more mechanical ATTCP update
to approve. We have -- pipe trades is going to
be on the April agenda for approval. But NMEC
has not submitted their final updates to us, so
we’re still waiting on that.

So beyond that, I can’t make any
predictions, and even after that. I’ve decided
I’m not going to be making predictions anymore.
It just seems to be bad luck.
Let’s see, I think with that, the only other thing I want to make sure everybody knows is we have a new engineer in charge of lighting controls taking over for Veronica, who has moved onto greener pastures. This is Matthew -- what’s your last name? I forgot it -- Haro, there it is, sorry. This is Matthew Haro. It’s really my bad because he’s unrelated to a former manager who was, also, last name Haro, so there’s no reason for me to forget.

Would you like to say anything in your defense, Matt?

MR. HARO: No, that’s all right. Go ahead. Press forward.

MR. LOYER: All right, we will. We will press forward then.

So the other thing I was asked to reiterate is that we are taking comments on the materials that we’ll be covering today, especially this afternoon. You can submit your comments to our docket or you can, let’s see, you can submit your comments here in person. We have -- you can submit your comments based on the material that we’re covering today or any material that you fell is relevant to the ATTCP
Program or to the 2022 updates that are coming, and they go to the same docket. The ATTCP-related coms will eventually come to me.

And here we are at the break.

Okay, so with that, we’re going to get into the nonresidential data registry ATTCP requirements. I say requirements and this particular title, it’s a little bit incorrect. There currently are no regulations governing the relationship between a nonresidential data registry and the ATTCP. We have several issues though, so let’s get this up out of the way.

So if the CEC approves a nonresidential data registry, or NDR, the nonresidential certificate of acceptance, the NRCA compliance documents are only valid if they’re registered through or with an NDR. Lighting controls, and soon mechanical, NRCA compliance documents can only be completed by a certified ATT, so lighting controls right now, mechanicals soon in the future.

Despite there being requirements for both, nonresidential data registries and ATCPs related to the NRCA compliance documents, the Energy Code does not currently set requirements...
for how an NDR should interact with an ATTCP.

So a little bit of background.

The 2008 Code actually introduced the HERS form. This is the Home Energy Rating System form of a data registry. The HERS provider registries were meant to improve enforceability of the Energy Code and facilitate secure transmittal, retention, and retrieval of compliance, installations, and HERS verification certification forms.

The 2013 Code introduced two things, the requirements for nonresidential compliance documents to be registered with a nonresidential data registry, if one is approved, and the ATTCP Program itself. Each ATTCP must enforce a quality assurance program as part of their program. And each one, each ATTCP, has implemented a database system for this purpose, essentially used to track and monetize, in some cases, the activities of each ATT performing an acceptance test.

There are several parties interested in submitting an NDR application to the Energy Commission for approval. No applications have been submitted at this time.
Technical considerations. The quality assurance program employed by the lighting controls ATTCPs is subtly different from that of the mechanicals. The lighting controls are -- basically, what happens is the lighting controls are more able to work with an NDR than the mechanicals will be. This is primarily due to the quality assurance program itself. The lighting ATTCPs can go in after the fact, after everything is done, walk back into the building and do a QA on the installation. The mechanicals cannot do that. It’s just not practical with the timing of everything that goes on and what you have to do for an acceptance test. It doesn’t work.

So for the mechanicals, they are allowed to do what’s called shadow auditing. They show up unannounced. They walk in. They identify themselves, walk into the acceptance test process, and verify that the technician is actually performing the acceptance test that they should be performing and is doing it correctly. So with that, it makes it very difficult for a mechanical to actually work with an NDR in that kind of context. I’m not saying it can’t be
done, it’s just difficult.

Currently, the ATTCPs databases are not defined or approved as data registries, so the Energy Commission did not review them as data registries and is not enforcing any of the data registry rules upon them. This is most noticeable in their extendable markup language, XML, schemas that are required for NDRs that the ATTCP databases do not have to comply with at this time.

Some topics of consideration. When we consider how we want the NDRs and the ATTCPs to work together, some major bullets come up for us, and these right here, these four.

Avoiding double charging of consumers.

So the ATTCP will generally charge for each form used, each acceptance test used. Then, if we have an NDR, they may charge for each form submitted to them, thereby double charging the consumer for, essentially, the same product. We want to see -- we want to avoid that.

Promoting market stability and transparency. Basically, market stability to us means competition. If there’s legitimate competition out in the market, you have some
market stability.

   Promote a fair and level playing field
for NDRs and ATTCPs. Essentially, every NDR and
every ATTCP should be able to work with each
other. So if we have two NDRs and six ATTCPs,
any of the six should be able to work with any of
the two.

   No relationship between an NDR and an
ATTCP should obstruct either the ATTCP’s existing
training, certification, and oversight programs,
and, in particular, their quality assurance
program, and should to the least extent possible
obstruct any kind of workflow on a project site.
This should be very smooth for the actual project
site.

   So here we go, three options.

   Oh, and I should mention that this
presentation is currently online. We finally got
this approved and set online over lunch, so that
was one benefit of a long lunch. We were able to
get this up online.

   So option one, define the ATTCPs as an
authorized user of the NDR in a Reference Joint
Appendix JA7.4.2. Essentially, this makes them
an authorized user. An authorized user is,
basically, anybody who has the authority or the permission by the data registry to use their data registry system. So they would be a recognized authorized user. And there are several different categories of authorized users that are available in JA7.4.2.

To do this, obviously, we’d work pretty closely with the ATTCPs to determine the level of access that is necessary. This doesn’t answer all the questions, so we are going to go through a pros and cons of each one of these.

So moving on to option two, the external digital data source, EDDS, services, they’re very new. They’re for 2019; is it not? Yeah, 2019.

Yeah, it’s new for 2019. They’re option data entry systems used by data registry. Essentially, data registry is limited to keyed-in data, except when they have what is now called an EDDS, external digital data source. That means that that data can be transferred into the data registry electronically. The ATTCPs could fit into that definition.

The requirements in option three is the requirements can be added to a new section in JA7 to describe the authorized data exchanges between
an ATTCP and a nonresidential data registry. And
this is, essentially, if these other two options,
or any other options for that matter, don’t
really fit or are -- you know, there are too many
pros -- or too many cons to them, we can go and
craft exactly what we want in a new section.

So this is option one. It’s a little
covered up here, so I’ll try moving that down
here. Option one, this is, if I flip back here
real quick -- oh. Yeah, I got to click back into
this area. It’s been like this all morning.

This is the make them an authorized user. So the
pros: this would likely allow the lighting
controls ATTCPs to satisfy their oversight
requirements. This would be the simplest
solution in terms of changes to the Energy Code
and JA7, really simple. The cons: this level of
access is probably not sufficient for mechanical
ATTCPs to satisfy their oversight requirements.

Lighting controls: ATTCPs may not be able
to continue using their existing software for
completion of the NRCAs by their ATTs. So it’s
likely that the lighting controls ATTCPs would
have to surrender their database or use of their
database or severely augment or severely hamper
it in some way. But it’s pretty clear that they’d have to change their database system at the very least, if not abandon it.

So option two, and this is the EDDS option, the ATTCP could use its designation to interact with nonresidential data registry. The registration provider must submit an application to the Energy Commission, the CEC, to use an EDDS system service. This would allow the NDR and the ATTCP to coexist and regulate a framework that could enable both to proceed.

So what does this really mean? The nonresidential data registry, the NDR, would have to be the lead in this case. They have to submit to the Energy Commission an amendment or an application that would allow the ATTCP to be their EDDS. So they are in the lead position in that in terms of an application submission and this has several problems.

But the pros, the database system from the ATTCP is primarily used to support the training and quality assurance used to implement it. They could still operate that database in that world. This option would cause little impact to their training, certification, quality
assurance, and allow both the NDR and the ATTCP to coexist.

The con, first con, there’s a second page, the option would require that the ATTCP database be compliant with the requirements in JA7. So that means that the database for the ATTCP would have to comply with the XML schema amongst many other things. But the JA7 compliance is probably the biggest hurdle for the ATTCP database. The database is not currently required to be compliant and that’s why this is such a big hurdle. They exist now. It’s going to be difficult to move into compliance with JA7 from a position of noncompliance.

So, oh, there we go. Let’s see, where’s a good place?

This is still option two. These are the cons continued.

So compliance with JA7 can be a significant undertaking. The CEC cannot approve an EDDS as a standalone application. So it’s good -- you know, like I hate to keep hammering on that but the ATTCP cannot be approved as a standalone EDDS. That’s not how it works within our application process.
This could have a conflict with the way that -- let’s see, is that the second bullet here, application, putting this -- yeah, it puts -- that basic concept puts this idea into a conflict with the existing ATTCP regulations which require the ATTCP to send the Energy Commission an application as an ATTCP, not necessarily to approve their database system, although that it currently part of the process, but they have to give us their own application. And then, at some point, we’d have to augment that with an application from an NDR for them to be an EDDS. You can see how this gets a little complicated.

The requirement that the NDR submit the necessary application may give them an unfair advantage over the ATTCP. It’s definitely a concern for us. Mostly, that would be a concern for the ATTCPs. This also would, essentially, give the NDR the ability to favor or even eliminate competitors to its chosen ATTCP. Definitely something we would take into consideration when -- in terms of the marketplace and a fair and level playing field.

So, you know, let’s just take a quick
minute here to see if there’s -- oh, there is a comment here in the chat here. So the QA program guidelines, the quality assessment program guidelines for the ATTCP are actually a part of their application on our Energy Commission website. You can find the full application -- it’s not the full application, it’s the Staff writeup of their application because most of the ATTCP applications are confidential. So we do a writeup of their applications to evaluate it and make it plain to anybody that wants to know more about it, exactly how the application is used or -- and that includes the quality assurance program. So that is on our website under the ATTCP Program.

And let’s just get a quick check, see if anybody’s hand is raised. Seeing none. Okay.

So option three, this is where we actually design and develop our own new section to JA7, basically, to describe the authorized data exchanges between the ATTCP and the NDR. So we would, obviously, collaborate. Staff would collaborate with the ATTCPs and other stakeholders, primarily those interested in submitting an NDR application, but also anybody
else who is interested in regular industry who
has something that they would like to contribute
or concerns they would like raised.

We would engage in workshop procedures
with this new section to JA7 within the timeframe
allotted by the 2022 Energy Code rulemaking. And
that is a serious time constraint.

So the procedures: this option, in our
minds, has the best chance of addressing all the
concerns raised by Staff than any of the other
options that we came up with. This option will
enable the ATTCPs and other stakeholders to
discuss all issues in an open forum and
potentially seek reasonable resolutions.

The cons: this process will be difficult
within the constraints of the 2022 Energy Code
rulemaking process. It may have looked --
earlier on we had a schedule of the actual
process and it looks like, oh, we have until 2021
to get things done, we really don’t. We have a
few months.

So potential impacts. Any potential
associated costs are currently unknown and may be
dependent on what approach is taken. This
proposal may impact any future NDR provider,
existing and future ATTCPs, and the ATTs certified by those ATTCPs but to what degree, we don’t really know.

All other stakeholders of the construction process, such as builders and contractors may not have any additional requirements imposed upon them. But it is absolute that they will bear any additional costs.

So comments, Staff is seeking input from stakeholders on these topics of potential costs associated with any of these three options presented, even if they’re just your opinion, we’d absolutely want to hear about that, scope of impacts on the market, market players, stakeholders, and to the public for any of the three options presented, and potential alternatives to the three options presented.

And I think that is probably it. Yeah, that’s the last slide in the whole deck. So we went through that pretty quickly.

I’ll check online one more time here. Nobody in the comment window. And I see nobody’s hand raised.

Essentially, if you have comments, if you
have considerations for us, we absolutely want to hear them. We will be researching these regardless, if we go forward with this potential amendment.

So if you would like to make any comments now or would like to submit your comments later to the docket, we’ll keep the docket open until March 20th, even afterwards. We may not -- might not be able to respond exactly to that comment but we will keep your comments -- we won’t close the comment window, essentially. We will just use that point in time to take those comments and redevelop them into our Staff report. That will be a result of this particular workshop. So at the end of this workshop, we will have a Staff report that we will be publishing. We would like your input into that Staff report on this subject and any subjects that we have covered today.

So with that, we can take comments from the room or online.

(Off mike colloquy.)

MR. HODGSON: Jim Hodgson from CalEnergy.

Joe, on the three options that you mentioned, would you mind going back to those,
the overview? And I apologize if I -- because I
wasn’t here in the morning session, you may have
covered this, but these are the three options
that I think is how you’re proposing folks on the
ATTCP side will interact with an NDR.

Is the -- is an option -- or why would an
ATT not directly interact with an NDR?

For example, if there’s an NDR that has a
registry or there is a registry that is an NDR,
and then an ATT that is certified by one of the
ATTCPs has specific credentials from one of those
ATTCPs and interacts directly with the NDR, is
that something that has been discussed and are
there pros and cons that you guys have talked
about?

MR. LOYER: So I can answer that question
directly. I mean, when we’re talking about an
ATTCP versus an NDR, we’re mostly talking about
those as two distinct elements. If we were to,
say, combine those things, an NDR that is also an
ATTCP, that is -- it’s a simply process to go
through. They would -- simple. You would be
approved as an NDR. We have a process for that
or we shortly will. And we have a process for
approving you as an ATTCP. You would,
essentially, get both. And you would be in charge of making sure both of those happened within your structure.

If you have a separate ATTCP and a separate NDR, it could be that you decide to work with this particular ATTCP in more the external data digital source kind of realm as they are intimately involved with your NDR and they cannot stand alone without your NDR. That would be the component. So we would approve them and we would approve that relationship as it pertained to the quality assurance program that we insist much be supported.

So in those terms, yeah, we can open the door to those particular. That, actually, doesn’t take much or any, I would say almost -- I would be pretty comfortable in saying that doesn’t take -- I don’t think that takes any kind of a rule change to do that. We can use the existing approval processes.

MR. HODGSON: Okay. Yeah, I think I’m thinking about it in an even more simplified scenario where any user that is -- and when I say user is a potential user in the NDR, if --

MR. LOYER: Um-hmm.
MR. HODGSON: -- I’m thinking of it much like the HERS industry right now, is no matter what company you work for as a HERS Rating -- or HERS Rater that works for many different HERS Rating companies --

MR. LOYER: Right.

MR. HODGSON: -- you can go to the HERS registries, come in and sign off on or do your testing and then eventually fill out 3Rs and have them registered.

MR. LOYER: Okay.

MR. HODGSON: In the case of an NDR, why wouldn’t an ATT, which I kind of see as the commercial version, in many analogous ways as the commercial version of a HERS Rater, I mean, obviously, there’s a lot of differences, but just for arguments sake right now --

MR. LOYER: Sure.

MR. HODGSON: -- why wouldn’t that ATT, or at least a simple way to do a lot of what I think option one, two and three are doing is that ATT would come to -- excuse me -- and NDR --

MR. LOYER: Yeah.

MR. HODGSON: -- and log in and fill out their CA -- or their NRCA forms for -- I’m sorry,
MR. LOYER: Yeah.

MR. HODGSON: -- their CA forms for whatever project they would be -- that they’re working on.

Now there would have to be coordination between the NDR and the existing ATTCPs because some of them have their own NRCA forms.

But I’m trying to understand why there needs to be this complicated relationship between the database of an ATTCP and a potential NDR when the user or an ATT can go directly to the NDR?

MR. LOYER: So that’s a really good point. So when it comes down to it, when you look at it from the perspective of the ATT, they may work for a separate company. They may hang out their own shingle. They may be their own ATE. There’s a lot of different, you know, flavors, shall we say, of the ATT. But when the ATT goes to use this situation of an NDR, when they have to actually get their CAs registered for -- with an NDR, it could be, the way option one is laid out, that they are more the authorized user. So that’s very possible to do it that way.
At the same time the ATTCP is responsible for that technician’s quality assurance. The NDR is not. And so that quality assurance is what we are most concerned with.

So if the ATT uses the NDR the ATTCP will also have to have record of that use --

MR. LOYER: Um-hmm.

MR. HODGSON: -- and be able to perform the quality assurance. Now to do that in terms of a no-fee situation for the ATTCP is, basically, not going to work for the ATTCP.

MR. LOYER: Sure.

MR. HODGSON: So there has to be -- there has to be some sort of way that it is something like an authorized user but also some sort of means of making sure that a non-ATT, non-certified technician actually doesn’t have access to the forms that they need that are required and that the ATT is -- ATTCP is still able to carry out their quality assurance requirements.

So it is difficult. The relationship is never, in my mind, going to be simple unless it is -- they are -- an NDR is an ATTCP. That seems very simple to me. Yeah. Yeah.

And I’ll just check here.
MR. SCALZO: Michael from NLCAA.

So, Jim, while you were -- as you were speaking about it, when we were talking about oversight, that is a concern because before the -- us, as an ATTCP for lighting, before we can submit our NRCA forms back to the technician after the test has been done, it’s got to go through -- just those forms themselves have to go through an oversight review that we have to review for compliance before they go back to the ATT. Then, at that point, yes, then they could go to an NDR, if that’s how the program is going to work. But it wouldn’t be it goes to one and us at the same time.

So there has to be some kind of quality assurance, in addition to oversight above and beyond that through various different audits and field inspections that would also have to do. And we want -- we need to ensure that those approved NRCA forms are code compliant. So if they got submitted at the same time they were submitted to us, we wouldn’t have any way of going back, possibly, or it might be a challenge to get something correct or get something removed, so that’s something great for
I did have one question. So if we have various ATTCPs, mechanical and lighting, and we may have various NDRs, is it going to be a requirement that all ATTCPs and NDRs work with each other or are we going to be picking teams or how is -- is the state putting anything to this?

MR. LOYER: So, obviously, at the moment there is no requirements along those lines either way. If we pick several of these different options, or even these ideas that we're throwing back and forth here right now, you can see that the relationship can be a one-to-one or, you know, one NDR, maybe several ATTCPs, one ATTCP, several NDRs. It can go several different ways. If we use the EDDS the NDR must select an ATTCP. They can select multiples. These other NDR, if there are, you know, NDR one, two and three, can do the same, can pick the same ATTCPs. It's a little bit more difficult to get it all done but it can be done.

The authorized user, that is a very simple up-front process that would, essentially, allow any -- may even go down to the ATT, it depends how we put it together. The ATT can have
a totally separate system from the ATTCP and just say, yeah, I just want to work with this one NDR or I might want to get authorizations for multiple NDRs, just so I have flexibility. It really depends. So it’s really open. The whole field is really open as to exactly how we would want to see this work.

We do have some ideas. I think our best option -- I don’t think the authorized user in and of itself covers everything that we want or everything that can happen. And I don’t think the EDDS is -- I think that is a little over-restrictive and also doesn’t cover everything we want. I think we are probably going to a new section in JA7.

But there is also the big question that we sometimes forget to ask. Is this something that the Energy Commission should regulate? And I think that’s the question. I think the answer is, yes, in this case. But I can also be, you know, talked to and convinced otherwise about it. (Off mike colloquy.)

MR. LOYER: My boss is reminding me that that’s not my decision to make, obviously. The regulations are actually approved by the Energy
Commission. And even the proposal of new regulations goes through a long process of not only open workshops, but also approval internally to the Energy Commission. But, yeah, they do, to a certain extent, depend on Staff opinion.

So the floor is open. I have the chat window open, as everybody online can see. And I have the windows open for seeing if anybody has a hand raised.

If nobody has any further comments? No? No? Wow, 35 minutes. So I guess we can all go home early.

I want to thank everybody for coming out to this and being part of the workshop. We almost certainly will have further workshops on this.

And if you have any ideas, comments that you would like to submit, please do submit them. The links at the very top, I’m just going to scroll up to the top, so avert your eyes for a moment, these links in the housekeeping page, that third slide, all do work. You can use this to link right to the comment page and submit your comments right through that process, right through our e-process, e-filing process.
So with that, I’d like to, again, thank everybody for participating and goodbye.

(The workshop adjourned at 1:35 p.m.)
CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of March, 2020.

MARSHA L. NELSON, CERT**367
CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

[Signature]

MARTHA L. NELSON, CERT**367

March 18, 2020