

**DOCKETED**

<b>Docket Number:</b>	19-HERS-01
<b>Project Title:</b>	2019 HERS Providers' Application for the 2019 Building Energy Efficiency Standards
<b>TN #:</b>	232913
<b>Document Title:</b>	Executive Director's Response to CHEERS' Withdrawal of Name Amendment Request
<b>Description:</b>	Letter
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	5/6/2020 8:50:52 AM
<b>Docketed Date:</b>	5/6/2020



## CALIFORNIA ENERGY COMMISSION



May 5, 2020

James Hodgson  
Chief Executive Officer  
California Energy Registry, Inc.  
1610 R Street, Suite 200  
Sacramento, CA 95811

Dear Mr. Hodgson:

As a result of receiving your letters dated April 28 and April 30, 2020, withdrawing your amendment request, I have removed the agenda item scheduled for the May 13, 2020, California Energy Commission (CEC) Business Meeting, which would have considered the proposed name change amendment.

However, the fact remains that California Energy Registry, Inc. (nicknamed Cal Energy) is not an approved Home Energy Rating System (HERS) provider. The CEC stands ready to work with you on your proposed remedy to this situation. As discussed in your meeting with CEC staff on April 28, 2020, there appear to be three options going forward.

- 1) Revert to your previous name: Consol Home Energy Efficiency Rating Services, Inc. (CHEERS) and operate in accordance with your approved applications. Documentation must be submitted to the CEC that demonstrates the following:
  - a. All references to California Energy Registry, Inc. and Cal Energy have been removed from all public facing materials and replaced with Consol Home Energy Efficiency Rating Services, Inc. (CHEERS). This includes, but is not limited to, marketing, education, and outreach materials (e.g., print materials, free giveaways, training videos), web pages, social media outlets (e.g., Facebook, Instagram, LinkedIn, YouTube), and any other medium.
  - b. All references to California Energy Registry, Inc. and Cal Energy have been removed from all HERS program-related contracts, rater reports, forms, training materials, and registry materials and replaced with Consol Home Energy Efficiency Rating Services, Inc. (CHEERS).

- c. Copies of proper documentation filed with the California Secretary of State (SOS) to revise your articles of incorporation back to Consol Home Energy Efficiency Rating Services, Inc. (CHEERS).
  - d. Notification to raters who have submitted reports to local building departments using the name California Energy Registry, Inc. or Cal Energy that those reports are invalid and must be run through the report generator to secure the approved watermark for Consol Home Energy Efficiency Rating Services, Inc. (CHEERS). Your documentation must include a timeline for this to be done. Any costs associated with resubmitting reports to the report generator or to local building departments will at the expense of Consol Home Energy Efficiency Rating Services, Inc. (CHEERS).
  - e. Provide public notification to stakeholders that Consol Home Energy Efficiency Rating Services, Inc. (CHEERS) is no longer California Energy Registry, Inc. or Cal Energy.
- 2) Submit an amendment to your application with another proposed name for the CEC to consider. Please note that I will not recommend that the CEC approve any name and/or nickname that, in conjunction with its website and other documents, creates the impression that they are affiliated with the California Energy Commission or otherwise operating as an agent of the State of California.
  - a. A complete HERS provider application amendment filing that meets the requirements of Title 20, Section 1674 of the California Code of Regulations regarding recertification. This filing should include, but not be limited to, articles of incorporation filed with the SOS showing new name, rater training material, and data registry including all forms with the new name watermark.
  - b. Until such an amendment is approved, CHEERS must revert back to its prior name and take all steps outlined under number 1 above.
- 3) Cease and desist. Consol Home Energy Efficiency Rating Services, Inc. (CHEERS) is only permitted to operate as a HERS provider and registry under the name Consol Home Energy Efficiency Services, Inc. or CHEERS. Operating and advertising as a HERS provider and registry using any other name or names is in violation of the HERS program regulations Title 10, Section 1674 and Title 24, Article 1, Section 10-110 of the California Code of Regulations.

Time is of the utmost importance as we seek to work with you to bring your organization back within the requirements of the regulations with minimal impacts to raters, consumers, and local permitting authorities. To prevent the further registration of forms by an unapproved provider in violation of the program

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regulations, the CEC will be suspending access to the report generator for the California Energy Registry, Inc. and Cal Energy no later than **May 8, 2020**.

If you have any questions, please contact Michael Sokol, Deputy Director, at (916) 654-4516 or [Michael.Sokol@energy.ca.gov](mailto:Michael.Sokol@energy.ca.gov).

Sincerely,

A handwritten signature in grey ink, appearing to read 'Drew Bohan', with a stylized flourish at the end.

Drew Bohan  
Executive Director

cc: Docket 19-HERS-01