

**DOCKETED**

<b>Docket Number:</b>	15-OIR-05
<b>Project Title:</b>	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
<b>TN #:</b>	237622
<b>Document Title:</b>	Local Program Exemption San José 2019-03-08
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<b>Filer:</b>	Erik Jensen
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<b>Submitter Role:</b>	Public Agency
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**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



March 8, 2019

Ken Davies  
Division Manager  
City of San Jose Environmental Services Department  
200 East Santa Clara Street  
San Jose, CA 95113

RE: Executive Director Approval of Exemption Pursuant to Section 1684(b) of Title 20 of the California Code of Regulations for the Benchmarking Program Administered by the City of San Jose Environmental Services Department

Dear Mr. Davies:

On January 22, 2019, the City of San Jose Environmental Services Department (Department) submitted a request (Request) for determination from the executive director of the Energy Commission, pursuant to Section 1684(b)(1) of Title 20 of the California Code of Regulations,<sup>1</sup> that the benchmarking program the Department administers on behalf of the City of San Jose (Program) meets the requirements of Section 1683. The Program is set forth in Chapter 17.85 of the San Jose Municipal Code. Pursuant to Section 1684(b)(1), the Request shall be approved if the Program meets the requirements of Sections 1683(b)(1)(A)(i) & (ii). I have reviewed the Request and determine that:

1. The Program includes annual public disclosure of the information specified in 1684(b)(1)(A)(i).
2. The Department has agreed to transmit to the Energy Commission, on behalf of the City of San Jose, all information that is publicly disclosed for a calendar year by August 1 of the following year, as required by Section 1684(b)(1)(A)(ii).

Therefore, I grant the Request. Pursuant to Section 1684(b)(2)(B), any building benchmarked and reported to the Department pursuant to the Program in a given calendar year is exempt from reporting to the California Energy Commission for that year.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Bohan", written over a horizontal line.

Drew Bohan  
Executive Director, California Energy Commission

<sup>1</sup> All citations herein are to Title 20 of the California Code of Regulations.