

DOCKETED	
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*Comment Received From: CalCERTS and CHEERS, California HERS Providers
Submitted On: 6/17/2021
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**Combined Comments on CEC proposed 45-Day Language for the
2022 Energy Code**

Additional submitted attachment is included below.



June 17, 2021

To: California Energy Resources Conservation and Development Commission
From: CalCERTS and CHEERS, California HERS Providers
Re: Combined Comments on CEC proposed 45-Day Language for the 2022 Energy Code
Docket # 21-BSTD-01

CHEERS and CalCERTS appreciate the opportunity to work with the California Energy Commission on the proposed 2022 Building Energy Efficiency Standards (2022 BEES). As approved HERS Providers, both CalCERTS and CHEERS have actively participated in the Commission's rule making process.

Prior to the release of the 45-day language, CHEERS and CalCERTS submitted joint comments to the 19-BSTD-03 Docket and CalCERTS submitted additional separate comments. We look forward to the Commission's feedback on these comments, which are located at TN# 237072, and TN# 237074, respectively.

Both HERS Providers attended the Commission's rule making workshops where on May 28, 2022, we learned that new requirements on Providers were being proposed at the 15-day language. These narrative changes were introduced during staff presentations that were subsequently docketed on June 3, 2021. (See TN#238124). Most of the proposed changes were in reference to the Joint Appendices.

Commission Staff converted the narrative changes into proposed language and shared the information with the HERS Providers on June 4, 2021. Commission Staff invited the Providers to participate in a discussion on June 8, and June 14. In those discussions the Providers learned that Commission Staff intend to add language defining "Compliance Registration Packages" to the 2022 BEES. Both Providers support this proposed definition.

Commission Staff also indicated that new language will be introduced at the 15-day language that will allow Commission Staff to request both compliance documents and Compliance Registration Packages, required to be maintained by the Providers. Both Providers support this proposed definition, with some limitations discussed below.

We appreciate Commission Staff assurances that these new requirements will apply to the 2022 BEES going forward and will not be applied retroactively. We also appreciate Commission Staff assurances that requests for compliance documents and Compliance Registration Packages will not be required to be delineated by specific searchable features, such as jurisdiction or form, as examples.

We request the Commission to add some language to the proposed 15-day language that limits Commission Staff requests to reasonable requests with respect to size and scope. For example, the HERS Regulations under Title 20 provides that the Commission may make requests from Providers “but not more frequently than annually.” (See 20 CCR 1673(g).)

With the Commission’s proposed changes to JA.7.4.8 please incorporate language that reasonably limits the requests so that the Providers can deliver the necessary documents to the Commission but also reasonably control operation costs. The regulations need to contain some protection from unreasonably large and/or cost-prohibitive data demands. A proposed redline change to the suggested 15-day language is provided below.

We are hopeful that once the Commission begins to collect the Compliance Registration Packages from Providers on a continuing basis through JA7.5, requests under JA7.4.8 will be unnecessary. We appreciate the opportunity to work collaboratively with the Commission on the 2022 BEES.

Our suggested edits are below.

Key:

Commission’s proposed language for JA.7.4.8 - 45 Day Language
Commission’s proposed language for JA.7.4.8 – 15 Day Language
CHEERS and CalCERTS proposed changes to JA.7.4.8 – 15 Day Language

JA7.4.8 Commission Oversight

At any time, Commission staff may request access to those documents and associated Compliance Registration Package that a Registration Provider is required to maintain pursuant to Title 24, Part 1; Title 24, Part 6; or Appendix JA7. Upon receipt of a request for access, a Registration Provider shall provide Commission staff with copies of, or access to, those documents and associated Compliance Registration Package specified in the request within 30 days of receipt of the request, unless granted an extension by Commission staff. Commission staff shall request no more than one year’s worth of compliance documents and Compliance Registration Packages at a time and limit the number of requests to no more than necessary to perform the Commissions’ enforcement oversight authority.

If a Registration Provider fails to provide Commission staff with copies of, or access to, those documents [and associated Compliance Registration Package](#), the Registration Provider shall explain in writing, fully and concisely, the basis for their failure to provide access or copies of those documents [and associated Compliance Registration Package](#).

If a Registration Provider fails to comply with this or any other provision of Appendix JA7, Commission staff may initiate a review of the Registration Provider's Data Registry approval pursuant to JA 7.8.4.2.

This subsection shall not be construed to limit existing enforcement oversight authority by Commission staff pursuant to any other provision of Appendix JA7.

Reasoning:

Our proposed changes to JA7.4.8 would allow the Commission to make multiple requests of the Providers for compliance documents and Compliance Registration Packages within a calendar year; however, the size of the electronic data files would be limited to a year's worth of data with any given request. This controls the demand on servers and processors, which can have a significant impact on the cost and functionality of the registries. The number of requests should be limited to the Commission's oversight authority.

Thank you for the opportunity to comment and for your thoughtful consideration of our suggestions.

Signed,



Rob Starr
Training Program Manager
CHEERS



Russell King, M.E.
Senior Director of Technical Services
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