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**SUNPOWER COMMENTS ON THE 2022 BUILDING ENERGY
EFFICIENCY STANDARDS DRAFT RELEASED ON MAY 6, 2021**

Additional submitted attachment is included below.



June 21, 2021

California Energy Commission
1516 9th Street
Sacramento, CA 95814

Docket Number: 19-BSTSD-03

Subject: SUNPOWER COMMENTS ON THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS DRAFT RELEASED ON MAY 6, 2021

Dear California Energy Commissioners and staff:

Thank you for the opportunity to submit comments on the 2022 Building Energy Efficiency Standards (BEES) draft released on May 6, 2021. SunPower is a 35-year old leading solar energy technology and services provider. We have more than 13 gigawatts of solar deployed around the world and are a leader in the U.S. residential and commercial market. We have more than 1,000 global patents and 1,300 dealers that sell our products to customers around the world. In California alone, SunPower products have been installed in over 84,000 residential units and 2,900 commercial enterprises – public entities and businesses alike. We also work with over 370 statewide dealers with more than 11,000 employees across the state. Through our work with the Energy Commission over several code cycles with thousands of units under the 2019 code, we are poised to deliver valuable and relevant insight into the areas that work and those that need improvement.

We are supportive of the 2022 BEES draft language and we applaud the Energy Commission's leadership and drive to require solar and storage in commercial buildings, ensure energy storage systems can be easily added to homes in the future, and the inclusion of electrification technologies, such as solar water heaters. We do however continue to have concerns that some of the proposed language could have unintended consequences or would benefit from greater explanation. Some of the small changes proposed could have large impacts to the solar and storage industry.

Section 140-10 (a): Exception 5 of Section 140-10(a) applies to multi-tenant buildings in areas where a load serving entity does not provide either a Virtual Net Metering (VNEM) or community solar program. However, we assert that this exception is unnecessary and would allow for missed opportunities within the market as it could impact a substantial percentage of the multi-family projects outside of the IOU territory. Installing solar in non-VNEM areas is still very feasible and cost-effective to residents, which SunPower would gladly demonstrate through our internal data and cost analyses. We recommend this exception be removed from the draft language.

Section JA11.5.1: While we are grateful for the added language that incorporates the "building owner" and "manager" with the "dwelling occupant", we believe some of the requirements are still overly-prescriptive for non-residential units. We recommend loosening the standards for commercial units, such as:

- Removal of the web-based portal requirement, or make it optional – mobile devices do not have much application for commercial enterprises. The current language states "and a mobile device application". Suggested change: "or a mobile device application".
- Removal of the mandate for the "number of PV modules and nominal watt rating of each module" [Item (b)]- this mandate does not have utility in commercial enterprises. It is more important to measure the performance against the nominal kW rating of the entire system, which is already reflected in [Item (a)].
- Define the meaning of "current" in [Item (f)] to include the allowance of lag. We recommend a lag time of one hour, in accordance with the specifications noted in [Item (c)].

Section 10-115 (a)(6): We support the addition of a location requirement to the community solar compliance option, but we ask that the language, through a more concise reference to the term “distribution system”, call for Community Solar installations to be closer to the communities they serve. The section currently states: “The community shared solar electric generation system and/or community shared battery storage system shall be located on a distribution system of the load serving entity providing service to the participating buildings.” We ask the Commission to amend the language in the section to read, “The community shared solar electric generation system and/or community shared battery storage system shall be located on the distribution system of the participating buildings.” The change in the language would ensure a greater and more supportive representation of the interests for the communities they serve.

Section 10-115 (a)(4) and Section 10-115 (a)(8): We appreciate the Commission’s recognition for the need to allow buildings to opt out of community solar programs if they choose to do so. However, we remain concerned that the revised language may not provide sufficient protections for customers that choose to opt out of community solar programs and install solar onsite to meet the code requirements. We recommend the Commission include language that clarifies that customers cannot be unduly burdened by community solar providers in such a manner that would make opt-out infeasible. We recommend including language that prohibits onerous exit fees or other unreasonable barriers on customers’ ability to opt out of community solar programs. Specifically, SunPower recommends the following amendment to Section 10-115(a)(4): “At the time of interconnection of that on-site solar electric generation system, all costs associated in the community shared solar and/or battery storage system shall cease **and no punitive fees will be charged.**”

Section JA11.1: It is our understanding that the scope of Joint Appendix JA11 provides the qualification requirements for photovoltaic systems to meet the prescriptive or performance standards for single-family residential buildings as well as nonresidential buildings. However, the “Purpose and Scope” paragraph for JA11 only refers to Sections 150.1(b) and 150.1(c). We recommend incorporating language to broaden the purpose and scope to include Sections 140.10, 160.8(a) and 170.2(f)(g) and (h).

JA11.4.1 D: Current language: If the solar assessment tool model shading condition based on satellite or *drone* images, the annual solar access percentage values shall be comparable to on-site measurements. Suggested change: If the solar assessment tool model shading condition based on satellite or *aerial* images, the annual solar access percentage values shall be comparable to on-site measurements.

Section 170.2(f)(g): Given the fact that the formulas used to determine the kW for PV are different between residential vs non-residential, the threshold of three habitable stories may be considered arbitrary and could cause confusion for builders with respect to the PV requirements. We recommend greater clarity to why multifamily buildings with “three habitable stories or less” was placed under the *residential* section of the code and why multifamily buildings with “more than three habitable stories” was placed under the *non-residential* section of the code.

Thank you for your consideration of our comments.

Respectfully submitted,

/s/

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