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**California Energy Alliance - Comments on Express Terms 2022
Energy Code, Title 24 Parts 1 and 6**

Additional submitted attachment is included below.



June 21, 2021

California Energy Commission
Docket #21-BSTD-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Re: Docket Number: 21-BSTD-01 – CEA Comments on 45-Day Express Terms 2022 Energy Code, Title 24 Parts 1 and 6 (TN #237717)

Dear Commissioners and Staff,

Thank you for the opportunity to provide comments on the California Energy Commission (Energy Commission) 2022 Building Energy Efficiency Standards Express Terms, Title 24 Parts 1 and 6 (TN #237717, Energy Code). The California Energy Alliance (CEA) is the leading advocacy organization for California's energy stakeholders. Founded in 2016, CEA is a nonprofit, non-partisan alliance of business, government, academia, and NGO leaders advocating for energy productivity to achieve economic growth, environmental justice, energy security, affordability, and resilience. Our work focuses on advocacy, outreach, research, and evolution of codes, standards, and policy.

CEA had the opportunity to work collaboratively with the Energy Commission, CEA Members, the IOU Case Team, and multiple Acceptance Test Technician Providers (ATTCPs) during this code cycle on recommendations for improving and expanding upon the 2019 Energy Code. This joint work covered a number of topics that have been incorporated into this iteration of the Energy Code including:

- Transitioning to a wattage threshold from a square footage threshold for demand responsive lighting,
- Eliminating confusing language to simplify requirements for wider adoption of demand response,
- Incorporating demand responsive (DR) controlled receptacles to expand DR beyond lighting and HVAC, and
- Development of a new Central Nonresidential Data Repository (CNDR) for energy compliance forms and information to support improved compliance and enforcement of California's Building Energy Efficiency Standards.



We applaud the Energy Commission for listening to stakeholders and making the necessary updates to the Building Energy Efficiency Standards to continue leading the state towards a 100 percent clean energy future. While the above recommendations were generally accepted, CEA would like to comment on and address areas of concern in the 45-Day 2022 Energy Code Express Terms:

1. Section 10-103(a)4B
 - a. We want to thank the Energy Commission for including the proposal recommendation from CEA found in *Docket 19-BSTD-03, TN#232808, 4/21/2020 CEA Data Registry and Repository Comments*. However, the added language found in Section 10-103(a)4B requires clarification. CEA supports a number of the ATTCPs in their request for clarification regarding the following language in this section: “*excluding all Certificates of Acceptance recorded by an acceptance test technician provider (10-103.1 and 10-103.2).*” Can the Energy Commission please clarify the direction and intent of this language?

2. Sections 10-103.1(c)3. H. v. and 10-103.2(c)3. H. v.
 - a. Again, CEA would like to thank the Energy Commission for incorporating and updating language in these two sections in alignment with previous CEA comments. However, the 2022 Express Terms state “The Energy Commission ‘may’ adopt an Application Programming Interface (API)...”. The CEA recommends the Energy Commission change the language from “may” to “will”. As the central hub, the Energy Commission will need to develop the API. This will allow for consistency across all ATTCPs uploading data and documents to the CCDR.

3. Language put forth in Section 110.12 – Mandatory Requirements for Demand Management, (c) – Demand Responsive Lighting Controls. We are aligned with the comments submitted by many CEA Members regarding the language of "nonresidential lighting systems...with a general lighting power of 4,000 W or more" to be modified to:
 - a. **Demand Responsive Lighting Controls.** Demand responsive lighting controls shall be required in buildings Nonresidential lighting systems subject to the requirements of Section 130.1(b) and with a general lighting power total connected lighting load of 4,000 watts or greater shall have controls that are. Lighting controls in nonresidential buildings larger than 40,000 square feet shall be capable of automatically reducing lighting power in response to a Demand Response Signal. General lighting shall

be reduced in a manner consistent with the uniform level of illumination requirements in TABLE 130.1-A.

- b. Limiting the requirement to general lighting significantly reduces the impact of demand responsive controls in many applications that use other systems for their day-to-day lighting needs. This includes applications like retail and hospitality, which rely on a variety of lighting types to illuminate the space. The total connected lighting load, with minimal exceptions, is the only way to ensure energy savings from this measure.
4. Section 110.12 – Mandatory Requirements for Demand Management
 - a. We want to thank the Energy Commission for all the work done to include this new section, which was supported by the proposal recommendations CEA submitted in June 2020. This measure proposal added the new Section 110.12(e) Demand Responsive Controlled Receptacles and modified Sections 130.4 and 130.5.
 5. Section 130.1(a) - Manual Area Controls
 - a. Section 130.1(a)3 has been updated and CEA supports this change to clarify how a lighting scene controller can be used for compliance. As this clarification is clearer for lighting designers, CEA requests that this new explanatory language be retroactive to the Title 24 2019 language.
 6. Section 130.1(c)1 Exemption 6
 - a. CEA opposes the new and revised exemptions to lighting controls that include eliminating controls for stairwells designated for means of egress. This would be a major roll back in stringency that will increase energy use.
 7. Section 130.2(c)3 Exemption 4
 - a. CEA opposes the new and revised exemptions to lighting controls changing the outdoor occupancy-based controls requirement threshold from 40 to 78 watts. We believe this was done to align with ASHRAE 90.1, however, we feel this will be a roll back in stringency that will increase energy use.
 8. Opposition to and general comments on Multifamily Building Requirements:
 - a. The CEA aims to develop and advocate for measure proposals for building energy code improvements that will deliver energy savings, reduce costs, increase code compliance, and move California closer to its energy and environmental goals. We feel the addition of 130+ new pages being added to the energy code regarding multifamily buildings only creates more complexity and repetition. This increasing complexity



translates into more significant challenges understanding and implementing the code which will surely reduce code compliance. As noted by many CEA Members, there are discrepancies between information in the proposed new section and other parts of the code from which it has been assembled. This is due in part to the combining of certain language from nonresidential sections with residential sections.

- b. We recognize and appreciate all the work the Energy Commission has completed to create this multifamily section, but the CEA requests this new multifamily language be removed or refer to previous code sections where applicable and clearly call out the new sections. This will allow CEA and its Members to thoroughly review the changes and support in educating energy stakeholders on these updates to ensure code compliance.

CEA and its Members thank the Energy Commission for the opportunity to submit these comments, and we look forward to answering any questions or comments regarding our recommendations to the 2022 Energy Code Express Terms.

Sincerely,

A handwritten signature in black ink that reads "Josh Dean". The signature is fluid and cursive, with a long horizontal stroke at the end.

Josh Dean
Executive Director
California Energy Alliance

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