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Investigation Report Number 2-05

Standards Compliance Branch Investigation Report

Investigation Information

Investigator: Matthew Haro

Subject(s) of Investigation (Rater, Provider, Other): Providers, Title 20, sections 1670 et seq. Regulations

Type of Service Offered by Subject of Investigation: Field Verification and Diagnostic Testing (FV&DT) Provider Services, HERS program oversight

Facts Investigated

Staff initiated an investigation regarding Home Energy Rating System (HERS) provider operations related to the HERS Annual Reports submitted by the providers CalCERTS and CHEERS.

Findings of Fact:

HERS Annual Reports submitted to the CEC from providers CalCERTS and CHEERS are discussed below.

CalCERTS

- The CalCERTS 2019 and 2020 annual reports each consisted of a single PDF file.
- Neither the 2019 nor the 2020 reports contained the required information on a random sample of tested homes.
- The reports presented information on the quality assurance (QA) processes and the number of QA conducted.
- The CalCERTS 2021 annual report submission had a PDF file containing a rater registry and a "CalCERTS, Inc. 2021 Title 20, Section 1673(f) Report."
- The CalCERTS 2019, 2020, and 2021 QA data on unrated or untested installations or buildings were mixed in the same table as the QA evaluations on raters.
- The CalCERTS 2019, 2020, and 2021 annual reports contained a "complaint table" with information on the complaints and actions taken. These complaints included information such as location, and time to resolve the complaint.
- CalCERTS did not indicate any disciplinary actions against any rater as a result of complaints or standard QA investigations.

CHEERS

- The CHEERS 2019, 2020, and 2021 annual reports only presented information on the number of QA evaluations conducted.

- The CHEERS 2019, 2020, and 2021 annual reports do not contain information on QA of untested or unrated installations or buildings.
- The CHEERS 2019, 2020, and 2021 annual reports each contain a table with information on complaints received and action taken. The information includes date, submitter, issue, and action taken.
- CHEERS did not indicate any disciplinary actions against any rater as a result of complaints or standard QA investigations.

Documents Reviewed and Submitted by Investigator:

2019, 2020, 2021 Annual Report Submissions from CalCERTS and CHEERS.

Summary of CEC's Investigation steps taken:

Date	Staff	Investigatory action taken
2020	CEC Staff	Staff recorded issues as they were observed, through staff's implementation of the regulations and program oversight, and compiled them into this report.

Steps taken by CEC as a result of findings:

For 2021 HERS Annual Report submissions, the CEC sent both providers guidance letters and deficiency letters.

As a result of the findings stated herein, CEC staff recommended a regulatory rulemaking to amend the program regulations. On May 12, 2022, the CEC adopted an Order Instituting Rulemaking Proceeding.

Was this report provided to complainant (Yes/No)?:

No.

Report prepared by:

Name: Maxwell Crosby

Title: Associate Energy Specialist (TED)

Date: 10/07/2022