

DOCKETED	
Docket Number:	22-BSTD-03
Project Title:	2022 Field Verification and Diagnostic Testing OIR Proceeding
TN #:	247885
Document Title:	CEC comments - Dec 1, 2022
Description:	N/A
Filer:	Chester Hong
Organization:	energuy/Eric Beriault
Submitter Role:	Public
Submission Date:	12/2/2022 11:43:15 AM
Docketed Date:	12/2/2022



Re: Docket Number: 22-BSTD-03 - 2022 Field Verification and Diagnostic Testing OIR Proceeding

Dear Staff,

I would like to start off by thanking you for picking up the ball on this topic that was first started in 2013. It's a large undertaking and we are happy to be part of improving and shaping the future of the HERS industry.

Before providing specific comments, I want to emphasize that we really need to concurrently focus on improving compliance with HVAC contractors to help level the playing field, otherwise we will start to see a reduction in overall compliance in the industry. This process that we are embarking on, if not done right, will have the perception of restricting the free market (more than it already does).

My comments will reference specific pages of the draft staff report for the 2022 Update of the Field Verification and Diagnostic Testing Requirements - October 2022 | CEC-400-2022-016-SD

Page 19 - 5d - Please clarify what "legitimate off-purpose use of certificates of verification" means

Page 19 - 7 - A few years back, the Centre for Sustainable Energy in San Diego completed an extensive survey of industry stakeholders and one of the recommendations was to leverage the designation of special inspectors to enable independent raters to close out permits for simple HVAC change outs. Additional training and certification would be required by the rater. This should be discussed as an option. It will increase compliance while reducing costs and burden to the homeowner.

Page 21 - Description of Proposed Changes

2nd bullet - A rater company being required to maintain a public list of its raters is redundant as the providers already do this. Enforcing this would not be cost effective.

3rd bullet - This is a great suggestion

4th bullet - 1st sentence - what are compelling circumstances? I think this is a bad idea and will do nothing, except add to the administrative burden. I can think of a few 'workarounds' that will happen.
2nd sentence - Agreed

5th bullet - I disagree with this. It may restrict the rater's earning potential. It is also impossible to police. The 2nd sentence in bullet 4 above is more clear and accomplishes the same outcome.



8th bullet - This will end up costing the homeowner more, for something that they will never receive a benefit. Providers already collect all this data, except for the average cost of services. You should already have this information. Adding the average cost of services is a needless burden to the providers and rater companies.

Page 23 - CEC-Provider Progressive Discipline

2nd bullet - We support the 4 steps. We would like to request that Rater and Rater companies be notified as well. Most rater and rater companies would not associate themselves with a rater that is going through a disciplinary action, if they knew it was happening. This would provide further deterrent to raters who may consider being unethical.

Page 24 - Provider-Rater Progressive Discipline

2nd paragraph - This is such an important clause as it will greatly reduce, if not eliminate the current conflict of interest that Providers have with Raters.

4th paragraph - we need a definition of a 'severe violation'. Also, can we consider moving to Step 3 when there are multiple violations, or a pattern of violations?

Page 25 - Provider-Rater Company Progressive Discipline

2nd paragraph - We need a definition of 'severe'

Page 27 - Description of Proposed Changes

All of these proposed changes will increase the cost to the homeowner. I believe with the proposed disciplinary actions, we will see a vast improvement in the quality of the work of raters thereby nullifying the need for more restrictive quality assurance. I would also like to see a path to less compliance for raters who show consistent quality results. Additionally, I would like to see some language to include reduced quality assurance for raters participating in the Third Party Quality Control Program (TPQCP).

Page 28

4th bullet - re: restricting alterations from sampling. I strongly disagree with this. The sampling program was well envisioned, but not well adhered to. If we are to address overall state compliance rates, we will not be able to scale without sampling. Once again, with strong, black and white disciplinary processes for raters, which removes the conflict of interest for providers, they will have



more teeth to ensure proper sampling occurs. A well implemented TPQCP, using technology that is currently available can bring legitimacy to the sampling procedure.

Page 31

4th Bullet - I agree with all of these points. This will eliminate the conflict of interest with Raters and HVAC companies. Furthermore, for sub bullet 3, this will inadvertently include homeowners in the HERS process and force HVAC contractors to educate the homeowner at the time of the sale. This is a huge step forward for the industry.

Page 33 Provider applications - Description of Proposed Changes

Since we are proposing to regulate Rater companies, we should give them the opportunity to be included in the training process. Some of the rater companies have developed their own rater mentorship and training programs in addition to the provider training programs that currently exist. This can be more cost effective, with better real world experience. I would like to see a path where rater companies can have their training program certified by their provider.

Page 35 Remove the Designation of Raters as Special Inspectors

Description of Changes - I have already addressed this above, but in addition to those comments, there is already legislation in place allowing 3rd parties to work with AHJs to close permits. We could leverage that to be more efficient and cost effective.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be "Eric Beriault".



Eric Beriault
President | **California**
Vice President | **Canada**
415-847-4079
eric@energuy.com
www.energuy.com