

DOCKETED

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Exhibit B

CaLCERTS Order for Approval



**STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**EXECUTIVE DIRECTOR RECOMMENDATION TO CERTIFY CALCERTS, INC.
AS A HOME ENERGY RATING SYSTEM PROVIDER
AND OPERATE A RESIDENTIAL DATA REGISTRY
EXCEPT FOR CERTAIN BUILDING TYPES IN COMPLIANCE WITH
THE CALIFORNIA HOME ENERGY RATING SYSTEM PROGRAM
AND THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS**

Executive Summary

CalCERTS, Inc. (CalCERTS) has applied for certification as a California Home Energy Rating System (HERS) program provider, authorized to administer a California HERS Program overseeing raters conducting field verification and diagnostic testing (FV&DT) under the 2022 Building Energy Efficiency Standards (2022 Energy Code). CalCERTS has also applied for approval of its residential data registry under the 2022 Energy Code. The non-confidential parts of the application are available on the 2022 HERS Provider's Application docket at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-HERS-01>.

The CALCERTS residential data registry application does not provide support for low-rise multifamily compliance documentation; therefore, this recommendation does not recommend data registry approval for low-rise multifamily compliance documentation. CalCERTS is working towards supporting the documentation and anticipates submitting a supplemental application once the compliance documentation is ready.

Based on staff's review of the CalCERTS application, I recommend that the California Energy Commission (CEC) certify CalCERTS as a California HERS program provider authorized to administer a California HERS Program and oversee raters conducting FV&DT under the 2022 Energy Code with the scope of approval as outlined in Exhibit A. I also recommend approval of CalCERTS' data registry as a residential data registry with the scope of approval as outlined in Exhibit A.

On June 16, 2022, CalCERTS submitted applications to the CEC requesting certification as a HERS provider under the California HERS program (California Code of Regulations, title 20, sections 1670-1675) and approval of a residential data registry under section 10-109(b) of the 2022 Energy Code. As specified in section 1674(c) of title 20, staff reviewed and validated all information received in the HERS provider application and determined that CalCERTS meets the criteria to administer a California HERS Program and oversee raters conducting FV&DT under the 2022 Energy Code. As specified in section 10-109 of the 2022 Energy Code, staff reviewed and validated all information received in the residential data registry application and determined that CalCERTS meets the criteria for operating a residential data registry. Pursuant to title 20, section 1674(c)2 and title 24, section 10-110(b), a public notice was posted to

docket number [22-HERS-01](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-HERS-01) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-HERS-01>, an opportunity was provided for public comment, and all comments received were considered as of November 9, 2022.

The staff evaluation is included as Exhibit A.

Recommendation of the Executive Director

Based on the staff review and validation of the CalCERTS applications, I recommend that the CEC confirm these findings, certify CalCERTS as a HERS provider, and approve the CalCERTS residential data registry with the scope of approval described in Exhibit A.



Drew Bohan
Executive Director
California Energy Commission

November 11, 2022

Date

EXHIBIT A

Staff Evaluation – CalCERTS, Inc. 2022 HERS Provider and Residential Data Registry Applications

Scope of Approvals

CalCERTS, Inc. (CalCERTS) submitted applications to the California Energy Commission (CEC) requesting certification as a Home Energy Rating System (HERS) provider under the California HERS program (California Code of Regulations, title 20, sections 1670-1675) and approval of a residential data registry under section 10-109(b) of the 2022 Building Energy Efficiency Standards (Energy Code).

The HERS provider application includes training and certification of raters for field verification and diagnostic testing (FV&DT) for the following elements:

- New construction, additions, and alterations of single-family residential buildings
- New construction, additions, and alterations of multifamily buildings
- Nonresidential verification (i.e., nonresidential and hotel/motel occupancies)

The residential data registry application includes the following elements:

- Registration of single-family residential compliance documentation
- Registration of nonresidential compliance documentation

The residential data registry application does not provide support for low-rise multifamily compliance documentation. Staff understands that CalCERTS is working to resolve this issue and anticipates that CalCERTS will submit a supplemental application.

CalCERTS' certification status as a provider for Whole-House ratings and Building Performance Contractors as defined by Title 20, section 1670 et seq., remains unchanged. CalCERTS' certification status as a provider for FV&DT ratings under prior code cycles also remains unchanged.

Summary

The Warren-Alquist Act directs the CEC to establish criteria for a statewide HERS program. No home energy rating services may be performed in California unless those services are certified according to the program established by the CEC. The CEC's California HERS program regulations establish requirements for home energy rating systems for providers (including the providers' training and certification of raters) and for the CEC's certification of providers. The regulations define a provider as an organization that administers a California HERS program.

The 2022 Energy Code requires FV&DT of specified residential energy-efficiency measures to demonstrate compliance with the Energy Code. This testing must be performed by raters who are certified by CEC-certified HERS providers. Additionally, the 2022 Energy Code describes the approval process as well as functional and technical requirements for a residential data registry.

Staff has reviewed and verified the CalCERTS HERS provider and residential data registry applications to confirm that they are complete and comply with the requirements of Title 20, section 1674(a), and section 10-109 of the 2022 Energy Code. In its application, CalCERTS states that ratings are accurate, consistent, and uniform, and has stated that it understands and will not knowingly fail to comply with the requirements of these regulations. CalCERTS has also certified under penalty of perjury that all statements in the application are true.

CalCERTS' current application under the 2022 Energy Code does not affect CalCERTS as a provider for Whole-House Ratings and Building Performance Contractors for which they were previously approved. CalCERTS' current application under the 2022 Energy Code does not affect the CalCERTS approvals as a provider for FV&DT ratings under prior code cycles.

Staff reviewed the confidential and non-confidential information filed in docket number 22-HERS-01 and verified that all the requirements of the Title 20 California HERS program and the 2022 Energy Code are met with exceptions as noted in this staff evaluation. Therefore, staff recommends approval of the CalCERTS 2022 HERS provider application for single-family residential, multifamily, and nonresidential permitted projects. Staff also recommends approval of the residential data registry application for registration of single-family residential and nonresidential compliance documentation. It is staff's expectation that CalCERTS will amend its applications to include a low-rise multifamily data registry component and possibly other features for future approval consideration.

CalCERTS Applications Materials

Staff reviewed and verified the CalCERTS application materials as they pertain to the requirements in the California HERS Program and the 2022 Energy Code. Table 1 lists the application materials reviewed and approved.

Table 1: CalCERTS 2022 Applications Materials

TN #	Document Title
243561	Exhibit A - Cover Letter for HERS Provider & Data Registry Applications
243562	Exhibit B - Training Overview
246739	CalCERTS - Exhibit C1a - Residential Alterations HERS Manual
246739	CalCERTS - Exhibit C1b - Residential Alterations Fundamentals Training Slides - Chapters 1-6
246739	CalCERTS - Exhibit C1b - Residential Alterations Fundamentals Training Slides - Chapters 7-12
246739	CalCERTS - Exhibit C2a - Residential New Construction HERS Manual
246739	Exhibit C2b - Residential Newly Constructed Buildings Training Slides Chapter 1-4
246739	Exhibit C2b - Residential Newly Constructed Buildings Training Slides Chapter 5-9
246739	Exhibit C3a - Nonresidential HERS Manual

TN #	Document Title
246739	Exhibit C3b - Nonresidential HERS Training Slides
246739	Exhibit C4 - 2022 Update Training
243799	Exhibit D - Training Exams
243800	Exhibit E - Field House Exam
243801	Exhibit F - Challenge Exam
243563	Exhibit G - Rater Agreement
243564	Exhibit H - Subscriber Agreement
246427	Exhibit I - Quality Assurance Program
246427	Exhibit I2 - Supplemental Quality Assurance Documents
247311	Exhibit J - Quality Assurance Qualifications
243567	Exhibit K - Certification of Facts
243557	Exhibit L - Corporate Documents
243568	Exhibit M - Statement of Explanation §1674
246236	Exhibit N - Registry User's Manual
247078	Exhibit O - Registry Certification and Overview
246370	Exhibit P - Registry Testing
245968	Exhibit P1 - Registry Testing - Alterations - Part I
245963	Exhibit P1 - Registry Testing - Alterations - Part II
245962	Exhibit P1 - Registry Testing - Alterations - Part III
246238	Exhibit P2 - Registry Testing - New Construction
246370	Exhibit P3 - Registry Testing - Nonresidential
243558	Exhibit Q - Rater Registry
245879	Exhibit R - Application Checklist
243559	Exhibit S - Rater Code of Ethics
246145	Exhibit T - Response to Application Feedback

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION OF THE CALIFORNIA ENERGY COMMISSION TO CERTIFY
CALCERTS, INC. AS A HOME ENERGY RATING SYSTEM PROVIDER AND
OPERATE A RESIDENTIAL DATA REGISTRY EXCEPT FOR CERTAIN BUILDING
TYPES IN COMPLIANCE WITH THE CALIFORNIA HOME ENERGY RATING
SYSTEM PROGRAM AND THE 2022 BUILDING ENERGY EFFICIENCY
STANDARDS

WHEREAS, CalCERTS, Inc. (CalCERTS) submitted an application on June 16, 2022, requesting certification as a California Home Energy Rating System (HERS) program provider for raters conducting field verification and diagnostic testing, pursuant to California Code of Regulations, Title 20, sections 1670 et seq. (California HERS Program); and

WHEREAS, CalCERTS is already approved as a HERS program provider for raters conducting whole house ratings; and

WHEREAS, CalCERTS submitted an application on June 16, 2022, requesting approval of its residential data registry pursuant to section 10-109 of the 2022 Building Energy Efficiency Standards (Energy Code) (codified in Title 24, Part 1, of the California Code of Regulations) except for low-rise multifamily compliance documentation; and

WHEREAS, the executive director evaluated the CalCERTS HERS provider application and observed that that CalCERTS has met the requirements in section 1674 of the California HERS Program; and

WHEREAS, the executive director evaluated the CalCERTS residential data registry application and observed that that CalCERTS has met the requirements in section 10-109 of the 2022 Energy Code including registering compliance documentation for all building types except for low-rise multifamily; and

WHEREAS, the executive director anticipates CalCERTS will submit a future application that will incorporate low-rise multifamily compliance documentation; and

WHEREAS, on October 24, 2022, the executive director provided a public notice to interested persons and provided an opportunity for public comment; and

WHEREAS, the executive director provided a written recommendation describing the review and validation of the CalCERTS HERS provider and residential data registry applications by CEC staff and recommending approval of the CalCERTS applications, attached hereto as "Exhibit A;" and

WHEREAS, the executive director’s written recommendation was made available to CalCERTS on November 14, 2022; and

WHEREAS, the December 14, 2022, business meeting was the first available meeting at least 15 business days after the executive director made his recommendation available to CalCERTS, for the CEC to consider this matter; and

WHEREAS, the CEC has considered the executive director’s recommendation, all written comments submitted, oral comments made at today’s business meeting, and CEC staff’s responses to all comments on this matter.

THEREFORE, BE IT RESOLVED, that the CEC confirms the executive director’s determinations, adopts their recommendation, and certifies CalCERTS as a HERS provider to administer the CalCERTS HERS provider program, pursuant to Code of California Regulations, Title 20, section 1674(c), for raters conducting field verification and diagnostic testing, effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the CEC confirms the executive director’s determinations, adopts their recommendation, and approves the CalCERTS’ residential data registry, pursuant to Code of California Regulations, Title 24, Part 1, sections 10-109 and 10-110, and Joint Appendix JA7, for registering compliance documentation for all building types except low-rise multifamily compliance documentation, with this approval effective for permits filed under the 2022 Energy Code; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE:
NAY:
ABSENT:
ABSTAIN:

Dated:

Liza Lopez
Secretariat