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November 21, 2023

VIA Electronic Docket

Drew Bohan, Executive Director
California Energy Commission
Docket Unit, MS-4
Docket No. 13-ATTCP-01
715 P Street
Sacramento, California 95814

Re: **NEMIC ATTCP Application Amendment Third Submittal**

Dear Mr. Bohan:

We write on behalf of the National Energy Management Institute Committee (“NEMIC”) to submit an Amendment to its Application to become a Mechanical Acceptance Test Technician Certification Provider (“ATTCP”) under California Code of Regulations, Title 24, Part 1, § 10-103.2(f). This third submittal is intended to replace NEMIC’s amendment applications previously filed on April 6, 2023 and August 28, 2023.¹ The submittal also includes revisions to NEMIC’s certification manual consistent with the changes described in the amended application and is intended to replace the manual previously filed on April 6, 2023.² Under separate cover, NEMIC requests confidential designation for the redline and clean versions of its amended application.

The purpose of this third submittal is to make limited, nonsubstantive adjustments to NEMIC’s quality assurance program due to the severed relationship with a third-party audit firm. The proposed changes include (1) elimination of typographical errors, (2) removal of references to the third-party audit firm, (3) streamlining audit procedures, and (4) express affirmation that NEMIC-certified

¹ NEMIC’s first amendment application submittal is docketed at TN# 250618 (cover letter), TN# 250619 (redline), TN# 250620 (clean), and TN# 251435 (revised redline). NEMIC’s second amendment application submittal is docketed as TN# 252239 (clean) and TN #252240 (redline).

² NEMIC’s proposed revised certification manual is docketed at TN# 249552 (redline) and TN# 249553 (clean).
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mechanical acceptance test technicians (“MATTs”) must submit all acceptance test documentation for all projects to the NEMIC ATTCP Database for each acceptance test performed by the MATT, and that NEMIC-certified mechanical acceptance test employers (“MATEs”) are responsible for ensuring that all acceptance test documentation completed by NEMIC-certified MATTs under their employ is registered on the NEMIC ATTCP Database for all projects. In addition, the proposed changes no longer include any declarations which would prohibit NEMIC-certified MATTs from holding a certification with NEMIC and another ATTCP. NEMIC respectfully requests that the Executive Director approve the Amended ATTCP Application pursuant to their authority under Section 10-103(f)2 because the application contains only nonsubstantive changes which are consistent with the requirements of Section 10-103.2.

The proposed amendments do not amount to substantive changes because the revisions do not fundamentally alter NEMIC’s quality assurance program. The primary difference between the approved audit process and the proposed modifications is that NEMIC would determine whether an audit is required on a monthly, instead of weekly, basis. The reduced frequency is strictly a procedural change and reflects the fact that the number of projects needing audits is fewer than anticipated due to the lack of enforcement of acceptance test requirements by local jurisdictions, making weekly reports unnecessary. Consistent with Section 10-103.1(c)2F, NEMIC’s audit program continues to require that it review a random sample of no less than 1% of each ATT’s completed compliance forms, and a shadow audit of no less than 1% of each ATE’s overseen projects, following the assigned ATT and observing their performance on the job site. Other revisions to the audit program are intended to eliminate typographical errors, clarify audit fee obligations, and streamline existing procedures.

Moreover, the proposed amendments do not alter the ability of NEMIC to comply with any of the requirements of Section 10-103.2. In fact, the added language simply reinforces existing requirements by expressly stating that MATTs and MATEs are responsible for submitting the mandatory acceptance test documentation for all projects to the NEMIC ATTCP Database to ensure NEMIC can meet its quality assurance obligations. For all these reasons, we respectfully request that the Executive Director find that NEMIC’s third submittal amending its ATTCP application is consistent with Section 10-103.2 and incorporate all amendments into an approval as errata.

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If the Executive Director determines that the application contains substantive changes, NEMIC respectfully requests that the amended application be processed pursuant to Section 10-103.2(e).

Please do not hesitate to contact our office with any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew J. Graf". The signature is stylized with a large initial "A" and a long horizontal stroke at the end.

Andrew J. Graf

AJG:lj1