

**DOCKETED**

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CEC Docket 22-HERS-01

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**RE: CalCERTS Request for Clarification on Residential Data Registry Approval Recommendation**

In review of the latest HERS Provider Application submitted to this docket, and the recommendation for approval by the Executive Director, CalCERTS requests clarification from the Commission on the requirements for approval. (See TN #256892)

The California Energy Commission delayed adoption of the Low-Rise Multi-Family (LRMF) Compliance Program under the 2022 Building Energy Efficiency Standards, because HERS Providers were unable to submit complete applications. (See TN # 247667)

Despite the efforts of both HERS Providers working to compromise with the Commission on a staggered roll-out, Commission staff were adamant that only complete applications would be permitted and the LRMF program would be delayed until a time that the Commission had completed its forms and Providers could submit complete applications. During the interim period, HERS Providers were unable to accept LRMF registration. This was a novel approach by the Commission; however, Commission staff were adamant the approach was necessary given the 2022 code changes for LRMF. Commission staff insisted that for this code cycle, for LRMF, incomplete applications were impermissible.

As a result, CalCERTS worked with the Commission, helped Commission staff and NORESKO work through all of the issues and errors with the forms associated with the LRMF program, and submitted a complete application earlier this year. This was at the great expense to CalCERTS, not only in staff resources but lost opportunity costs.

The recommendation docketed this week, recommending approval of CHEERS' application for the LRMF program, clearly indicates that CHEERS was not required by Commission staff to meet the same requirements. CHEERS' application omits several forms associated with the LRMF program. (See TN 256892)

*CalCERTS requests clarifications as to why Commission staff have changed their position as to application requirements for the 2022 LRMF Program. Please see **Attachment A** to this Request for Clarification to review the differences in Provider applications and see the difference of the Commission's requirements between the HERS Providers.*

Upon Review of these differences, CalCERTS requests clarification from Commission staff on all the following questions relative to data registry approval. Clarifications to these questions are needed to provide guidance and transparency to all stakeholders.

- ***Does Commission policy allow for HERS Providers to be approved without supporting all the forms?***

The recently submitted HERS Provider application does not include forms that would be required to show compliance using the new construction prescriptive compliance pathway. The LMCC-MCH-01 & LMCI-MCH-01c are the forms in question.

Other forms such as the LMCC-ELC, ENV, LTI, LTO & PLB will be required for compliance, yet are NOT a part of the recently submitted HERS Provider Application. Furthermore, The MCH-22c, MCH-22d, MCH-23e, and MCH-23f forms would be required when a Central Fan Ventilation System is installed, yet the application shows these forms are not supported. Despite these omissions, the Commission staff has recommended approval.

- ***Is programming a prescriptive pathway optional for the HERS Registries?***

The applicant before the Commission is currently operating a HERS data registry that does not support a prescriptive pathway, other than for the single-family ALT-02 change-out process.

There is no prescriptive pathway for New Construction Single Family, nor Multifamily. Is this permissible? Why would the Commission write in its standards a prescriptive pathway, make forms for a prescriptive pathway, but not require its data registries to program a prescriptive pathway?

In review of Title 20 Sec 1670, Title 24 Sec 10-109, JA7, the Data Registry Requirements Manual (DRRM), and the HERS Provider Application and Recertification Process Staff Report, there seems to be no specific mention of exactly what forms need to be supported by a data registry to be approved; however, the DRRM does provide a list of forms. Without detailed clarification, applicants are left to interpret the language that is presented.

Section 10-109(i)1A states “The Commission may approve residential data registries that provide for registration and retention of compliance documents and their associated Compliance Registration Packages when required by Part 6 of all residential compliance documentation and the nonresidential Certificates of Verification.”

Furthermore, JA7.8.3 defines an approval type labeled “Full Approval”, yet it does NOT define a list of forms that are required. The DRRM document lists many (but not all) forms, yet still does not specifically state that the list of forms must be supported by data registry to be approved.

During previous meetings and interactions with CEC staff, CalCERTS has been instructed to include **all** forms, including NON-HERS forms and ALL prescriptive compliance pathways despite our data showing the prescriptive compliance is not used.

It may be that Commission staff are exercising discretion differently among the HERS Providers. Clarification on this issue is of utmost importance.

If Providers have the discretion as to what forms it will and will not program and what pathways it will or will not support, cost savings analysis can be applied to help Providers spend programming dollars more effectively, and simply truncate parts of the Code Standards it does not find financially feasible.

- **What happens to new construction projects that choose a prescriptive pathway, but the required forms are not supported by their Provider?**

Perhaps Commission staff is of the opinion that prescriptive compliance is rarely used in new construction, which is an opinion CalCERTS would share as well. However, if the data registry is allowed to choose to support a specific compliance pathway or not, it is highly likely that an entire compliance pathway would NOT be supported by any of the data registries. Due to the complexity of the forms, the programming of the prescriptive forms has been an arduous process. If the Commission is allowing data registries to support only a select set of compliance pathways, this information must be published for all stakeholders and extensively clarified.

- **The Data Registry Requirements Manual (DRRM) is a manual, that, in its own words, is intended to “aid in the design and implementation of software procedures and user interface features for their data registries that meet the requirements of JA7”. If this document is NOT detailing the requirements the data registry must meet, what is the specific purpose of this manual?**

The DRRM is formatted visually and linguistically like the Building Energy Efficiency Standards, the Reference Appendices, and both Compliance Manuals. These documents have been the backbone to stakeholder understanding of the standards for decades. If the Commission is allowing provider applicants to ignore parts of this manual, the purpose of this manual must be defined and published for stakeholders.

Hopefully, Commission staff can provide the requested clarification quickly and in advance of a Business Meeting. If not, CalCERTS will submit this Request for Clarification in conjunction with the Business Meeting for approval of the LRMF Application at issue and bring the request to the Commissioners directly.

Jeremiah Ellis on behalf of  
The CalCERTS IT Team

Attachments

CC: Commissioner Andrew McAllister, CEC  
Che Geiser, CEC  
Will Vicent, CEC  
Gypsy Achong, CEC  
Michael Sokol, CEC

**ATTACHMENT A**

Form Name	Description	DRRM 6.3	Required to Submit	
		Shown in DRRM	CaICERTS	CHEERS
	Form Count =	82	83	64
LMCC-ELC-01	Low Rise Multifamily Electrical Power Distribution and Electric Re	X	X	
LMCC-ENV-01	Low Rise Multifamily Envelope	X	X	
LMCC-LTI-01	Low Rise Multifamily Indoor Lighting	X	X	
LMCC-LTO-01	Low Rise Multifamily Outdoor Lighting	X	X	
LMCC-LTS-01	Low Rise Multifamily Sign Lighting	X	X	
LMCC-MCH-01	Low Rise Multifamily Mechanical Systems	X	X	
LMCC-MCH-02	Low Rise Multifamily Prescriptive Alterations HVAC		X	X
LMCC-PRF-01	Low Rise Multifamily Performance Compliance Method		X	X
LMCC-PLB-01	Low Rise Multifamily Water Heating	X	X	
LMCC-PRC-01	Low Rise Multifamily Process Systems	X	X	
LMCC-SAB-01	Low Rise Multifamily Solar Ready, Photovoltaic, and Battery Stor	X	X	
LMCC-CXR-01	Nonresidential Building Commissioning	X	X	
LMCI-ELC-01	Electric Ready Requirements	X	X	X
LMCI-ELC-E	Electrical Power Distribution Non-HERS			
LMCI-ENV-21	QII - Framing Stage	X	X	X
LMCI-ENV-22	QII - Insulation Stage	X	X	X
LMCI-ENV-E	Envelope Component Approach			
LMCI-LTI-E	Indoor Lighting Non-HERS			
LMCI-LTO-E	Outdoor Lighting Non-HERS			
LMCI-LTS-E	Sign Lighting Non-HERS			
LMCI-MCH-E	Mecanical Systems Non-HERS			
LMCI-MCH-01a	SC System - Performance	X	X	X
LMCI-MCH-01b	SC System - Prescriptive Alteration	X	X	X
LMCI-MCH-01c	SC System - Prescriptive NCB	X	X	
LMCI-MCH-01d	SC System - Performance E+A+A	X	X	X
LMCI-MCH-20a	Duct Leakage - NCB	X	X	X
LMCI-MCH-20b	Duct Leakage - LLDCS	X	X	X
LMCI-MCH-20c	Duct Leakage - LLAHU	X	X	X
LMCI-MCH-20d	Duct Leakage - Existing Construction	X	X	X
LMCI-MCH-20e	Duct Leakage - Sealing Accesible Leaks	X	X	X
LMCI-MCH-21	Duct Location	X	X	X
LMCI-MCH-22a	Fan Efficacy - All Zones Calling	X	X	X
LMCI-MCH-22b	Fan Efficacy - Every Zonal Control Mode	X	X	X
LMCI-MCH-22c	Fan Efficacy - All Zones Calling w/ CFVCS	X	X	
LMCI-MCH-22d	Fan Efficacy - Every Zonal Control Mode w/ CFVCS	X	X	
LMCI-MCH-23a	Airflow Rate - All Zones Calling	X	X	X
LMCI-MCH-23b	Airflow Rate - Every Zonal Control Mode	X	X	X
LMCI-MCH-23c	Airflow Rate - Best That I Can Do	X	X	X
LMCI-MCH-23d	Airflow Rate - Measurement Only - All Zones Calling	X	X	X
LMCI-MCH-23e	Airflow Rate - All Zones Calling w/ CFVCS	X	X	
LMCI-MCH-23f	Airflow Rate - Every Zonal Control Mode w/ CFVCS	X	X	
LMCI-MCH-24a	Enclosure Air Leakage Worksheet - Single Point Test - Manual Me	X	X	X
LMCI-MCH-24b	Enclosure Air Leakage Worksheet - Single Point Test - Automatic	X	X	X
LMCI-MCH-25a	Refrigerant Charge - Superheat	X	X	X
LMCI-MCH-25b	Refrigerant Charge - Subcooling	X	X	X
LMCI-MCH-25c	Refrigerant Charge - Weight In Observation	X	X	X
LMCI-MCH-25f	Refrigerant Charge - Packaged System Manufacturer Certification		X	X

LMCI-MCH-26	Rated System Verification	X	X	X
LMCI-MCH-27b	IAQ - Total Ventilation Rate Method	X	X	X
LMCI-MCH-28	Return Duct and Filter Grille Design - Table 150.0-B or C	X	X	X
LMCI-MCH-29	Supply Duct Surface Area, Buried Ducts	X	X	X
LMCI-MCH-32	Local Mechanical Exhaust	X	X	X
LMCI-MCH-33	VCHP Compliance Credit	X	X	X
LMCI-PLB-01	Central Hot Water System Distribution Non-HERS	X	X	X
LMCI-PLB-02	Individual Dwelling Unit Hot Water System Distribution Non-HER	X	X	X
LMCI-PLB-21	HERS Central Hot Water System Distribution	X	X	X
LMCI-PLB-22	HERS Individual Dwelling Unit Hot Water System Distribution	X	X	X
LMCI-PLB-E	Domestic Water Heating System Non-HERS			
LMCI-PLB-03-E	Pool and Spa Heating Systems Non-HERS			
LMCI-PRC-E	Process System Non-HERS			
LMCI-SAB-E	Solar and Battery Non-HERS			
LMCV-ENV-21	QII - Framing Stage	X	X	X
LMCV-ENV-22	QII - Insulation Stage	X	X	X
LMCV-MCH-20a	Duct Leakage - NCB	X	X	X
LMCV-MCH-20b	Duct Leakage - LLDCS	X	X	X
LMCV-MCH-20c	Duct Leakage - LLAHU	X	X	X
LMCV-MCH-20d	Duct Leakage - Existing Construction	X	X	X
LMCV-MCH-20e	Duct Leakage - Sealing Accesible Leaks	X	X	X
LMCV-MCH-21	Duct Location	X	X	X
LMCV-MCH-22a	Fan Efficacy - All Zones Calling	X	X	X
LMCV-MCH-22b	Fan Efficacy - Every Zonal Control Mode	X	X	X
LMCV-MCH-22c	Fan Efficacy - All Zones Calling w/ CFVCS	X	X	
LMCV-MCH-22d	Fan Efficacy - Every Zonal Control Mode w/ CFVCS	X	X	
LMCV-MCH-23a	Airflow Rate - All Zones Calling	X	X	X
LMCV-MCH-23b	Airflow Rate - Every Zonal Control Mode	X	X	X
LMCV-MCH-23c	Airflow Rate - Best That I Can Do	X	X	X
LMCV-MCH-23d	Airflow Rate - Measurement Only - All Zones Calling	X	X	X
LMCV-MCH-23e	Airflow Rate - All Zones Calling w/ CFVCS	X	X	
LMCV-MCH-23f	Airflow Rate - Every Zonal Control Mode w/ CFVCS	X	X	
LMCV-MCH-24a	Enclosure Air Leakage Worksheet - Single Point Test - Manual Me	X	X	X
LMCV-MCH-24b	Enclosure Air Leakage Worksheet - Single Point Test - Automatic	X	X	X
LMCV-MCH-25a	Refrigerant Charge - Superheat	X	X	X
LMCV-MCH-25b	Refrigerant Charge - Subcooling	X	X	X
LMCV-MCH-25c	Refrigerant Charge - Weight In Observation	X	X	X
LMCV-MCH-25d	Refrigerant Charge Verification – FID	X		X
LMCV-MCH-25e	Refrigerant Charge Verification – Winter Setup	X		
LMCV-MCH-25f	Refrigerant Charge - Packaged System Manufacturer Certification	X	X	
LMCV-MCH-26	Rated System Verification	X	X	X
LMCV-MCH-27b	IAQ - Total Ventilation Rate Method	X	X	X
LMCV-MCH-28	Return Duct and Filter Grille Design - Table 150.0-B or C	X	X	X
LMCV-MCH-29	Supply Duct Surface Area, Buried Ducts	X	X	X
LMCV-MCH-32	Local Mechanical Exhaust	X	X	X
LMCV-MCH-33	VCHP Compliance Credit	X	X	X
LMCV-PLB-21	HERS Central Hot Water System Distribution	X	X	X
LMCV-PLB-22	HERS Individual Dwelling Unit Hot Water System Distribution	X	X	X