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Additional submitted attachment is included below.

Request for Information and Input on the California Building Energy Performance Strategy Report

Docket Number: 24-BPS-01; TN #: 256467

Stakeholder Contact Information and Areas of Interest

1.1 Contact Information

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Established in 2012, ClearlyEnergy specializes in climate policy analysis, climate program management, and software development. ClearlyEnergy, an 80% women-owned certified small business, works at the nexus of public policy and software solutions using data-driven analytics and reporting to enable the energy transition. We are uniquely qualified to facilitate residential and commercial building energy programs through personalized policy development and implementation support. Our projects include benchmarking and building performance standards, carbon accounting and disclosure, energy-efficient mortgages, virtual residential audits, and automated energy modeling. ClearlyEnergy's suite of software solutions are designed to facilitate emissions reduction programs in a streamlined and equitable manner.

Commercial: ClearlyEnergy is a thought leader in the field of building performance standards. Our proprietary software, Building Energy Analysis Manager (BEAM), aggregates benchmarking data and performs automatic compliance tracking based on a jurisdiction's specific benchmarking or building performance standards policy.

Targeted Projects: ClearlyEnergy uses its skills and capabilities with software development, energy modeling, stakeholder engagement, training, research and analysis, program management, and technical assistance to support states, jurisdictions, and organizations in their targeted energy efficiency projects and policy development and implementation.

Building Benchmarking and Performance

ClearlyEnergy is pleased to submit these comments and recommendations regarding the development of the California Building Energy Performance Strategy Report.

4. How should building benchmarking data be used to prioritize building upgrades and incentives?

Similar to Boston's Green House Gas (GHG) Reduction Fund, which prioritizes funding for Low Moderate Income populations, the CEC should ensure that equity is a central consideration in decision-making. Buildings can be prioritized for support and upgrades by using the distance to the target performance metric, and evaluating the building's ability to pay for upgrades from J40 or other socio-economic metrics. Revenue recycling of program fees and penalties into buildings identified as requiring compliance support improves equity in the implementation of the program.

5. What types of support and resources would be necessary to help building owners meet building performance targets?

Recognizing that learning preferences vary and stakeholder roles change frequently (e.g., turnover among facilities operators), it's crucial to provide resources that are easily digestible and accessible in multiple formats. Key support and resources include:

1. Video Tutorials and Webinars: Developing video tutorials and multimedia resources can address diverse learning styles and boost accessibility. Short videos and one-pager guides should cover basic topics for someone new to compliance, while more comprehensive documentation will provide experienced stakeholders with the necessary tools. Interactive webinars and live Q&A sessions can also support further understanding and allow for real-time problem-solving.
2. Tools for Common Challenges: Develop specialized tools and templates to help building owners navigate specific challenges that will commonly arise. This could include calculators for estimating potential emissions and support in compliance pathway selection, public disclosure map, building ID lookup tool, checklists, and compliance flow charts.
3. Addressing Specific Situations and Potential Outliers: It's important to anticipate and address common roadblocks and unique circumstances that building owners may face. For example, campuses with multiple buildings, newly constructed buildings, and historic properties often require tailored solutions. The State should work with experienced parties to foresee challenges, provide documentation to the public where possible, and ensure support staff are adequately trained.

4. Ongoing Technical Support: Offering ongoing technical support via hotlines and email help desks can provide building owners with the assistance they need to troubleshoot issues and ensure compliance. Incoming questions should be monitored so public resources and training materials can be updated based on common inquiries and feedback.
5. Easily Navigable Resource Library: Creating a centralized online, organized, and searchable resource library will allow all the previously mentioned materials to be easily found and relied upon when needed. Overall organization of this library should be a priority and all resources should be user-friendly, with straightforward language and clear, actionable steps.
6. As needed by the program, the support material listed above should be available in commonly used languages.

6. What enforcement mechanisms should be considered for both benchmarking and a potential building performance requirement? Which similar programs are known to achieve high compliance rates?

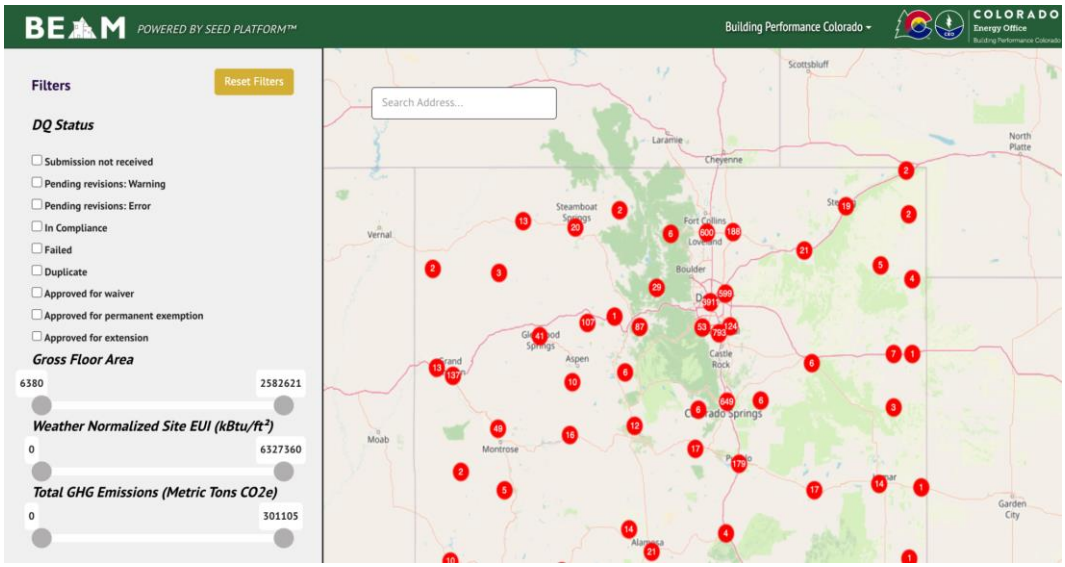
We recommend the following strategies to be considered which have increased compliance rates in jurisdictions around the country such as the District of Columbia[1] and the City of Cambridge, MA[2]. For example, Washington D.C. has achieved a very high compliance rate for its Building Energy Performance Standards (greater than 90%) while not yet arriving at performance penalties for building owners. Their high compliance rate is largely a product of well-staffed teams and robust communication programs with building owners. Developing and maintaining an accurate covered buildings list is critical for these communications. Additional strategies include:

- Building owners should be afforded opportunities to come into compliance for historic reporting cycles before fines or additional penalties are imposed.
- Compliance status should be publicly disclosed as they are in Colorado and can be seen on the public map below[3].

[1] https://dc.beam-portal.org/helpdesk/

[2] https://cambridge.beam-portal.org/helpdesk/kb/

[3] https://co.beam-portal.org/map/2/properties/#/



- Requiring or encouraging the use of 3rd party verifiers.
- Targeted outreach leading up to the compliance deadline via email and physical mailers.
- Targeted outreach post-compliance deadline to engage with building owners who didn't submit data.

7. What other steps can the CEC take to help building owners comply with existing building benchmarking requirements?

The CEC should consider funding and supporting a BPS Circuit Rider program. The circuit rider model is based off of an Energy Code Circuit Rider Model [4] which would provide direct benchmarking and BPS reporting and compliance support to building owners. Circuit riders would offer personalized assistance and help building owners navigate compliance requirements and implement energy-saving measures. By committing long-term funding, the State can support local governments and ensure continuous guidance and expertise are available to building owners, thus improving compliance rates.

[4] https://energy.nv.gov/Programs/Building_Energy_Codes/Nevada_Energy_Code_Circuit_Rider/

Load Flexibility and Resiliency

8. Given the time and location dependance of both the cost and greenhouse gas emissions of electricity, how can building performance strategies be structured to incorporate load flexibility benefits?

Allowing an emissions time-of-use compliance option such as the one included in New York City's LL97 [5]aligns BPS compliance and grid decarbonization objectives. New York's policy allows buildings to comply by using hourly emissions rates provided by the system operator. While more complex to implement, this option creates a strong incentive to align loads with lower-emitting hours, thus facilitating the deployment of lower-emitting grid supply resources.

Cost Effectiveness

10. For future building performance policies, how can the state manage and minimize administrative costs to the state and local governments while maximizing building performance improvements?

To manage and minimize administrative costs while implementing a BPS policy, the State can prioritize software that leverages automation and supports a centralized portal for building owners. To minimize costs and simplify implementation, the software solution should include an option for nesting local government programs within a state-managed solution. Local government programs may require the compliance of buildings smaller than a state-run BPS program, and the software solution should allow relevant stakeholders access to the relevant subset or superset of buildings.

Automation can streamline data collection, compliance tracking, and public communication, reducing the need for manual oversight. A dedicated portal for building owners can allow for easy submission and tracking of required information, encouraging efficiency and accuracy.

By investing time upfront to develop comprehensive resources and FAQs, the State can ensure that many questions are addressed without the need for direct communication. Periodic reviews and updates to these resources will keep them relevant and useful. Establishing partnerships with industry experts to offer webinars and workshops can also reduce administrative burden while providing quality training material at the same time.

[5] https://www.nyc.gov/site/sustainablebuildings/ll97/local-law-97.page

Other Comments, Issues, and References

CA BPS Cohort

This US-DOE-funded project[6], led by ClearlyEnergy and in partnership with NORESCO, will help CA Cities develop, adopt, and implement benchmarking and building performance standards to reduce emissions and improve buildings in their communities. Local governments from across CA have joined the cohort to coordinate and achieve their climate goals. We welcome the State's participation in the project as we seek to align state policy with local climate goals to minimize administrative burden and streamline implementation.

Software Solutions

The BEAM (Building Energy Analysis Manager)[7] platform is an advanced software solution that assists towns, cities, and states in managing their building energy policy goals. Building on the SEED platform developed by the national labs (NREL, PNNL), which consolidates building data from various sources such as ESPM (Energy Star Portfolio Manager) and AuditTemplate, BEAM streamlines the administration of benchmarking, BPS, tune-up programs, and more. As a customizable platform, BEAM can be adapted to address unique policy requirements, alleviate administrative burden, automate processes, and engage stakeholders.

BEAM offers several key features to aid in the management of building energy policies. Integration with ENERGY STAR Portfolio Manager ensures accurate data collection with tailored data quality checks and compliance tracking. Advanced calculation and optimization tools that help jurisdictions and building owners monitor their progress toward energy and emissions reduction targets. An integrated CRM, Building Owner Portal, and public-facing resource website with form collection capabilities ensures effective communication with building owners.

What sets BEAM apart is its scalability and comprehensive support throughout the policy process. The platform grows with a jurisdiction's needs, from initial data collection and benchmarking to BPS and setting multiple compliance pathways, milestones, and progress toward targets. SEED, and therefore BEAM, incorporates an accountability hierarchy facilitating a nested organizational structure. This enables the management of multiple state or local programs under one unified platform with specified access for internal staff or stakeholders at different levels. Jurisdictions

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[6] https://drive.google.com/file/d/1epBDZMMMmKY05zoEOFuK59yGTRqi6WHm/view?usp=sharing

[7] https://clearlyenergy.com/building-performance-standard?

that use BEAM also have the added support of ClearlyEnergy's team of building energy policy experts and industry relationships. They can also benefit from sample training materials and practical lessons learned in policy implementation all around the country.