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Comments on noncompliance

I wanted to send a comment on my own behalf to concur with the previous observations of Dan Suyeyasu and the California energy Alliance posted to this docket on the costs of non-compliance. This is an issue I personally see everyday, and I've commiserated with fellow certified energy analysts often about this. Looking at my project portfolio in their HERS registry, I count 7 out of 100 single family projects (all custom) that have in-process or complete Installation and HERS verification forms. That is to say that the remainder have only their CF1's completed and I am awaiting contact from the general contractor, subcontractors, and HERS Raters to begin the rest of the compliance documentation.

On the positive side, I am seeing more requests for transfer than I used to years ago. As of 5 years ago, it was an exotic thing to get a call from anyone for completion of any of this documentation. In that light, compliance has been marginally improving in recent years, which I believe is largely thanks to outreach from Commission staff as well as educational efforts by Energy Code Ace. However-- we have a very long way to go.

While the completion of paperwork is technically non-compliance, it's really the underlying efficiency of the building asset that is of direct concern for us here. And for that, I have more anecdotal data: Of the recent projects which have engaged me for transfer, I can say that most of them have needed recalculation due to equipment or insulation changes in the field that were not in the drawings that were observed by the HERS Rater. And in many cases this brought the project out of compliance with my original performance run such that I've had to spend substantial time helping the project strategize measures or corrections to bring them back into compliance (which I do with alacrity).

What this tells me, is that the impacts of not completing the paperwork process are by and large on the negative side for efficiency. It is much less common that I see projects where installed efficiency levels exceed those in the permit drawings, though that does happen as well.

I can understand how this problem is difficult to understand from a macro level. By definition, the lack of compliance means the lack of paperwork to audit, relegating us to guess work and anecdotal data like I presented here. Of course there are indirect ways of accessing this, but those methods cannot evaluate the impacts on efficiency without a lot of field leg-work. This does not capture the rate at which paperwork is completed incorrectly, which is a separate issue, and one I also hope the Commission will engage in this process.

I don't intend to point fingers at any stakeholder nor at the commission. Indeed, I have heard very positive feedback from commission staff that they are taking this problem seriously. This Workshop was testament to that.

There are interesting technological opportunities worth considering, and I believe the commission is actively researching to address this challenge of non-compliance and I applaud those efforts. In the medium term, I think this is a critical element for the future of the efficiency in this state, since I'm already seeing related problems hamstringing the innovation and proposal of new efficiency measures for compliance that could be quite powerful in expediting our energy transition at a minimum of cost.

As for now, I encourage the commission to keep interrogating this issue of noncompliance and refining the problem statement. The better we can define the problem, the easier the solutions will be for all stakeholders (not just the commission) to understand how to address it.