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**15-OIR-05, Building Energy Use Disclosure and Public Benchmarking Program
Mandated under Assembly Bill 802**

Additional submitted attachment is included below.



December 31, 2015

Commissioner Andrew McAllister
California Energy Commission
1516 Ninth St. MS-34
Sacramento, CA 95814

Re: 15-OIR-05, Building Energy Use Disclosure and Public Benchmarking Program
Mandated under Assembly Bill 802

Dear Commissioner McAllister:

TechNet is committed to advancing the public policies and private sector initiatives that make the U.S. the most innovative country in the world. This partnership with policy makers paves the way for technology companies to create, thrive and compete. TechNet proudly supports Assembly Bill (AB) 802 because energy efficiency is critical to meeting California's climate goals, and implementing benchmarking and transparency for commercial and multifamily buildings is a key mechanism to reach an efficient building stock throughout the state. Homes and buildings consume 40% of the nation's energy overall and over 60% of electricity generated. When businesses have access to energy consumption information, buying, leasing and lending practices can finally incorporate environmental performance, and ultimately reducing greenhouse gas emissions in the sector.

We also support AB 802 because of the importance of customer access to "data for informed decisions" and the additional information that utilities, energy efficiency service providers and building owners will need to provide under the bill. The overarching premise that equipping building owners with energy usage data on their buildings can help drive energy-saving investments in existing buildings is a solid one. We look forward to working with the Commission to develop a balanced regulatory process that meets the needs of building owners while protecting the privacy of individual customers.

TechNet urges the Commission, when implementing AB 802, to ensure that appropriate energy usage data disclosures do not compromise a need for protecting the competitive integrity of California business. Energy data is informative in terms of how any business operates, which is why the data is so powerful for energy efficiency measures. However, for the same reason we strongly request a very careful and thoughtful approach to publicly disclosing the energy usage of buildings and operation facilities. This information is vital to a business's competitive advantage in California and in a world market. For example, if a business is ramping up for new product testing, facilitating pilot programs for services, or adding additional business operations they need to have the confidence that energy efficiency programs do not undermine their operational competitiveness. These businesses go to great lengths to protect all operational data, especially energy usage information, as it reflects directly on the status of important and sensitive business activity such as production increases/slowdowns, shift schedules, retooling, testing cycles other competitive intelligence factors. The high level of international competition in certain industries and sensitivities to potential impacts on publicly traded stocks and securities, demand operational data privacy.

While TechNet appreciates the motivation behind the Commission's proposal to make building energy usage data more public, we maintain that a one-size-fits-all approach is not warranted given this operational sensitivity for many building owners and customers. To that end, TechNet looks forward to working with the Commission and other stakeholders in drafting regulations to implement AB 802 in a manner that increases the transparency of energy usage data without compromising the businesses currently located in those buildings.

AB 802 provides a great deal of discretion to the Commission regarding the disclosure of energy usage data, and TechNet strongly urges the Commission to exercise this discretion in a prudent manner. There are a number of mechanisms that can be used to help with this. Examples include tenant prior consent, signed non-disclosure agreements, submission of an aggregate Energy Star score rather than the actual energy usage for purposes of benchmarking and proactive interactions between the CEC and building owners prior to any disclosure to remove any competitive or publicly sensitive information that could be revealed. TechNet believes that a one-size-fits-all approach is not sufficient when dealing with such important, and in certain cases, confidential data and urge that a thorough and appropriate discussion occur before setting final regulations for the implementation of AB 802.

Data access is the key to empowerment and we believe that this is a critical feature to innovation and technological advancement. TechNet supports the appropriate level of data access to empower California with the best options to reduce energy consumption and costs. This can be achieved while also setting an appropriate level of data privacy for public access to sensitive energy usage information. Thank you for your thoughtful consideration of our concerns.

Sincerely,



Andrea Deveau
Executive Director

Cc Commissioner David Hochschild
 Commissioner Janea Scott
 Commissioner Karen Douglas
 Commissioner Robert Weisenmiller