

## DOCKETED

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CALIFORNIA ENERGY COMMISSION

STAFF WORKSHOP

In the Matter of: ) Docket No.  
) 13-ATTCP-01  
) )  
) )  
) Staff Workshop: Conditions  
Acceptance and ) for Requiring Certification  
Training Certification ) for Acceptance Test  
\_\_\_\_\_ ) Technicians

CALIFORNIA ENERGY COMMISSION

THE WARREN-ALQUIST STATE ENERGY BUILDING

FIRST FLOOR, ART ROSENFELD HEARING ROOM

(HEARING ROOM A)

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

MONDAY, FEBRUARY 29, 2016

1:00 P.M.

Reported By: Kent Odell

## APPEARANCES

Staff Present

Joe Loyer, Standards Implementation Office CEC

Shawn Pittard, Public Adviser's Office CEC

Public Discussion (\* Via telephone and/or WebEx)

Chris Walker, CAL SMACNA

James Huber, NEBB

Dave Dias, Sheet Metal Workers Local 104

Patrick Pico, Bay Area JATC

Tom Meyer, ESCO Group

Duane Davies, National Air Balance Company

\*Finlay Drake, Drake Integrations, LLC

\*Jerry Weiss, HVAC Excellence

David Lawson, Lawson Mechanical Contractors

Steve Smith, Pacific Test & Balance

Amber Ryman, Northern California/Hawaii NEBB

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## 1 P R O C E E D I N G S

2 FEBRUARY 29, 2016

1:00 P.M.

3 MR. LOYER: Okay. So the clock says 1:00  
4 o'clock, so we'll go ahead and get going here. My name is  
5 Joe Loyer, I'm from California Energy Commission, I'll be  
6 hosting this workshop.

7 This is a semiformal process. I'm going to start  
8 off, I have a presentation. And during that presentation,  
9 and mostly following that presentation, we'll throw the  
10 floor open to questions and comments to be made.

11 I think the most important thing to recognize  
12 here is we have people participating both here physically  
13 at the Energy Commission and on WebEx. And by WebEx, if  
14 you're participating, what I would like you to do is if you  
15 have a question is to go to the chat window of your WebEx  
16 and enter your question in there. If I take a look right  
17 now at the list of participants, there are a few people who  
18 have signed in here or are in the process of signing in.

19 And I see Jerry has -- Jerry Weiss, you have your  
20 hand raised. Right at this moment I can't actually help  
21 Jerry, because there's no phone icon next to his name. So  
22 Jerry's probably say call-in user number four. At some  
23 point, Jerry, if you want to make a comment just go ahead  
24 and type into the comment box and I'll be able to read your  
25 -- or into the chat box and I'll be able to read your

1 comment. And I'll come back to the chat box several times  
2 during the presentation just to make sure that we're not  
3 excluding anyone.

4           When we do get to comments what will happen here  
5 in the room is we will use this podium that is in the  
6 center of the room. So there's no hiding in the audience,  
7 so you have to come up, because it is the only microphone  
8 here that's available for anybody else to use. So come up  
9 to the microphone, state your name, and then your comment  
10 or your series of comments. It doesn't matter either way.

11           We do want you to have your name on the record,  
12 because we are -- not only are we recording this via WebEx,  
13 we have a stenographer here who is going to be taking notes  
14 the entire time. And for his assistance, we would like  
15 your name said on the record. We'd also like you, if you  
16 can, drop a business card off with him so he has the proper  
17 spelling of your name.

18           Let's see, I do have a few little things I have  
19 to talk about since we're here physically in the room. So  
20 let's see, for those of you not familiar with this building  
21 the closest restrooms are located straight across. There  
22 is a snacks bar on the second floor under the white awning.

23           Lastly, in the event of an emergency and the  
24 building is evacuated, please follow our employees to the  
25 appropriate exits. We will convene at Roosevelt Park,

1 which is diagonally across the street from us, from this  
2 building. Please proceed calmly and quickly, following  
3 employees with whom you are meeting, to safely exit the  
4 building. That means everybody has to be behind me, so I  
5 go first.

6 So I think with that, just one or two more items.  
7 We have Shawn Pittard here who is from the -- Shawn, what's  
8 your office again?

9 MR. PITTARD: Public Adviser's Office.

10 MR. LOYER: Public Adviser's Office, thank you.

11 He is armed with blue cards and ready to assist  
12 anybody who is feeling like they need some help to  
13 participate. You can also contact Shawn's office after the  
14 workshop to see if you can get more involved with the  
15 process if you feel like you need to.

16 You can make comments here, verbally now. You  
17 can make comments in writing by going to our website that's  
18 in the notice. And you can make comments via WebEx, either  
19 via chat and I will read those in -- just one warning. I  
20 will read those in as verbatim as decorum allows, so do  
21 your best. Type clearly. But you have many ways of  
22 participating and we will be happy to assist you in any  
23 other way that you need to be.

24 Shawn, did you want to say anything?

25 MR. PITTARD: No.

1 MR. LOYER: No, okay I think we're good to go.  
2 So five minutes, oh that's pretty good.

3 So this is a Consideration of the Industry  
4 Certification Threshold for Mechanical Acceptance Test  
5 Technicians Certification Provider Program. It's a  
6 mouthful. It is one of the important -- one of probably  
7 the most important things that we're doing with the ATTCP  
8 program right now.

9 Lighting Controls ATTCP, they have already  
10 surpassed their threshold. They are now required to be  
11 certified. Mechanical ATTCPs have not, so they are not  
12 required to be certified at this time. And this whole  
13 workshop is to try and get to what are going to be the  
14 issues if, and when, the Energy Commission does find that  
15 we are ready to require that the mechanical technicians  
16 need to be certified.

17 So moving to this one, so participating by WebEx  
18 in person outline of the workshop is right here. So we're  
19 going to talk a little bit about what exactly acceptance  
20 testing is. Is it a certification for acceptance  
21 technicians? And then we're going to get right in to  
22 stakeholder concerns, open for discussions, and then move  
23 on to next steps.

24 So this actually can go very quickly here. And  
25 we're just going to check real quick at the chat and see if

1 anybody has -- nope.

2           So the purpose of acceptance testing is pretty  
3 straightforward. When you install mechanical systems into  
4 new buildings or existing buildings, it's pretty typical  
5 even without us requiring forms, for the technicians that  
6 do the installing to actually check their work to make sure  
7 the device actually does work. The requirement for the  
8 Energy Commission and for the State, since 2005, has been  
9 that you fill out the forms and you do that check  
10 specifically as required by our regs.

11           So we have 16, 17, 18 tests, depending on which  
12 one's you want to count, and yeah just if it wasn't  
13 complicated enough, right? So with those tests, we want  
14 them done pretty much the same way from one technician to  
15 the next. And that's why we put together the procedures  
16 the way we did.

17           So basically they come with a construction  
18 inspection requirement, a functional test requirement and  
19 then the reporting requirement. And it's really all of  
20 them follow that basic format. And the intent again is to  
21 make sure that the device you actually entered or you  
22 installed actually operates the way it was meant to  
23 operate.

24           Now, when it actually comes to the point of doing  
25 the test, and when you're out in the field, very often you

1 don't end up with what was on the plans. The plans  
2 changed before you get there and you have to make the  
3 installation according to the new modifications. So  
4 sometimes that can be a little difficult, a little  
5 challenging.

6 And we've seen the lighting control technicians  
7 walk out into the field with the NRCC Forms and the NRCI  
8 Forms, which are the Certificate of Compliance and  
9 Certificate of Installation Forms for the general  
10 contractor or the building owner to fill out. And in some  
11 cases, they will help them fill them out, especially if  
12 it's a smaller project. But this requirement has been  
13 around since the 2005 Building Energy Efficiency Code.

14 So the current problem, tests are not being  
15 performed correctly, or in some cases at all. That's a big  
16 problem for the Energy Commission. We've had these around  
17 since I've been harping on it, I guess a little, the 2005  
18 Standards. And we haven't seen a huge amount of  
19 compliance. That's very problematic for the State as a  
20 whole. We need to get our Energy Efficiency Goals achieved  
21 and these forms, these tests, is one of the ways that we  
22 ensure that those goals are achieved.

23 So the certifications process, basically it  
24 provides the education, training, and quality assurance for  
25 the technicians and their employers. And that's where the

1 ATTCP really comes in. So this is all new requirements in  
2 the 2013 standards. Prior to that we had discussed it a  
3 bit, but we haven't really implemented it. So in our  
4 particular situation we're talking about the 10-103-B in  
5 Part 1, and in Part 6, Section 120.5.

6 So the threshold requirements, those are actually  
7 laid out in the 10-103-B Section Part 1 of the Title 24.  
8 There are two basic requirements. Now, when we say  
9 threshold, this the threshold that must be crossed the  
10 Energy Commission to find that it is now appropriate for  
11 the mechanical acceptance technicians to actually be  
12 certified, so to require certification.

13 First and foremost, there has to be 300 certified  
14 mechanical acceptance test technicians. They have to be  
15 statewide and there must be at least 300. Now, that  
16 number, 300. That number is not "the" number. We know  
17 that right now, but we need to find the real cause and real  
18 effects and real problems that we need to address to make  
19 this decision happen. But we know that 300 isn't really  
20 probably enough. But we need to figure out what the  
21 problems are, so we can figure out how many technicians we  
22 really do need, and where they need to be.

23 The second requirement is to access training for  
24 all qualified technicians from very specific professional  
25 groups. Now, right now in the room right here, we're look

1 at probably C-20 contractors. That's who we're mostly  
2 talking about, HVAC contractors. But when it really comes  
3 down to it a Certified ATT, a Certified Acceptance Test  
4 Technician, can be the general contractor. They just have  
5 to get certified. They can be a commissioning agent.  
6 Again, they just have to be certified. They can, in I  
7 would say rare cases, be the building owner if they have  
8 the experience and ability. But it doesn't have to be the  
9 contractor. But in the room right here, right now, and who  
10 will be affected first and foremost, is the HVAC  
11 contractors from California.

12 But there are a lot of people that can actually  
13 be qualified to take the exams and if they have enough  
14 experience sit -- for the exams take and pass it, and be  
15 certified, and perform the acceptance tests. One of the  
16 other qualifying groups is professional engineers. And  
17 professional engineers are capable of taking this exam as  
18 well.

19 Now what's important about this particular  
20 requirement, when we look at the mechanical side of the  
21 equation here as opposed to the lighting controls, when  
22 NEMIC and NEBB are both certified acceptance test  
23 technician -- acceptance test technician certification  
24 providers, ATTCPs, they're both available now.

25 When NEMIC was approved they were very staunchly

1 union-only. And because of that we could not get to the  
2 point of actually providing training for all, because many  
3 people do not belong to unions and will refuse to belong to  
4 unions, but want to do this work.

5           There equally are many people who are both  
6 certified under union organizations and non-union  
7 organizations for a variety of different reasons.  
8 Sometimes contractors, when you're bidding on a contract,  
9 it may say, "You have to be NEBB certified." Or, "You  
10 have to be a union-only job." So it depends on what the  
11 job is. And so a lot of houses, a lot of C-20s are doing a  
12 lot of -- are being qualified under union organizations and  
13 non-union organizations.

14           So in order to make all of that happen we had to  
15 have NEBB available. Now, it doesn't mean that this  
16 requirement is fulfilled, not yet. But it does mean that  
17 we are getting closer to the point of actually discussing  
18 when this certification can be approved.

19           So moving on to the stakeholders' concerns, I  
20 think from the Energy Commission's point of view, this  
21 first one is probably the most important. "The  
22 implementation of the certification requirement may result  
23 in undue disruption of nonresidential construction industry  
24 due to the geographic distributions of ATTs."

25           So when we're talking about Los Angeles County,

1 the center for basically most of the building in  
2 California, we're not that worried that we're not going to  
3 have enough technicians for L.A. What we are worried about  
4 is, "Are we going to have enough technicians for Alpine?"  
5 Very little construction's going on in Alpine, but there is  
6 some. And they have to have access to these technicians.  
7 So we can't pull the trigger if -- when L.A. is ready. We  
8 have to pull the trigger when every county in California is  
9 ready.

10 So, "Local building departments need to be  
11 assured that only certified ATTs perform these tests." We  
12 have some issues with local jurisdictions being educated in  
13 a timely fashion, so that they know that when the trigger  
14 is pulled, and what to do when the trigger is pulled. So  
15 that education has to go on. And we have to settle on a  
16 way for that to actually happen.

17 "The general contractors need to be able to find  
18 certified ATTs." So there has to be a way for the people  
19 who actually need the work to be done, to find the  
20 appropriate technicians.

21 I got the opportunity to do a presentation last  
22 Friday at the NEBB Annual Education. And I got some  
23 feedback of what some of the HVAC contractors are concerned  
24 about. So I'm happy to report a little bit about that, but  
25 they are also represented here. So, you know, don't let me

1 put words in your mouth.

2 HVAC contractors, so time to complete the  
3 acceptance testing for each job -- that is a difficulty.  
4 When it comes down to it, a lot of these acceptance tests  
5 do take time. They do take technician time. That's just  
6 the reality of it. A lot of them can be done  
7 simultaneously.

8 Time to train and certify ATTs. The number of  
9 available technicians to act as test-only or test-repair  
10 technicians. This actually came up as a result of  
11 something that happened with the lighting controls  
12 technicians. And basically, it's not required that the  
13 certified technicians be third party. In fact, the whole  
14 intention of acceptance testing is for the installing  
15 technician to actually perform the acceptance test  
16 themselves.

17 So that's the intent of acceptance testing  
18 generally. And that's the intent here. But because not  
19 every technician is going to be certified, at least  
20 initially, then there's going to be a need for technicians  
21 that will do test-only and test-repair. And it can be  
22 difficult to find these particular technicians. That's  
23 what the lighting controls was finding out, is that they  
24 needed a separate list of technicians that were willing to  
25 essentially go anywhere, do the tests that are required to

1 do, and either pass or fail the project.

2           The cost of submitting forms to the ATTPC -- that  
3 was registered loud and clear at the Friday meeting. And I  
4 think that's a big issue. When it comes down to it we have  
5 some ATTCPs, lighting control again, we have one of them is  
6 not charging for forms. So the other one is charging, I  
7 think the price they're charging is \$100. The Energy  
8 Commission does not set those prices. We do not see any of  
9 that money. And we never want to see any of that money.  
10 That's not our objective. The objective is for the program  
11 to sustain itself, and for it to move forward in an  
12 expeditious manner.

13           Acceptance Test Technician Certification  
14 Providers, as you might guess it actually takes a lot to be  
15 approved as an ATTCP. The applications we've seen are  
16 substantial. There are about three-to-six months worth of  
17 back-and-forth between the applicants and staff trying to  
18 make sure that the program lives up to the regulation  
19 requirements, and to the expectations as well.

20           So with this investment there is a need for the  
21 ATTCPs to get a return on their investment. So based on  
22 the expensive training, education, certifying and quality  
23 assurance -- quality assurance is of course the big ticket  
24 item ongoing. Quality assurance is a big deal for the  
25 Energy Commission. It's something we kind of harp on. We

1 don't want technicians simply to be certified and then to  
2 disappear into the wind and do whatever they're going to  
3 do. We want to know what they're going to do and we want  
4 there to be repercussions for them doing it wrong. And  
5 then that comes back to acceptance testing tracking.

6           There's also issues with industry support and  
7 local jurisdiction enforcement. And, you know, the ATTCPs  
8 are concerned with all of that. You don't get a program  
9 like this moving forward without a few missteps. And so it  
10 becomes critical in those situations where there are  
11 missteps that you have general support from the industry  
12 and you have general support from the local jurisdictions.

13           So some misconceptions: the ATT is not required  
14 to be third-party or independent of the installing  
15 contractor or the general contractor. They can all be part  
16 of the same group. This is not like HERS. HERS definitely  
17 is third-party independent. Now, ATT is not required to be  
18 third-party or independent. That doesn't mean they can't  
19 be third-party. They certainly can be.

20           Acceptance tests are intended to be performed by  
21 the installing technician. I think I've harped on that a  
22 lot, have I? Have I said that a lot? Okay. The Energy  
23 Commission is not an ATTCP. We regulate the providers.

24           And let's see here. So before I move on to this,  
25 let's just check the chat here. Okay. And nobody's

1 entered anything, and let me just make sure everything is  
2 going okay with the participants. Okay. And I'm glad to  
3 see that we have at least a few participants online.

4           So ideas for voluntary features from the ATTCP,  
5 one of these -- well, both of these, the lighting controls  
6 ATTCP is currently doing, providing a separate list of ATTs  
7 and ATEs that are willing to do test-only and test-repair.  
8 Lighting controls has actually implemented that and I think  
9 that's working out very well.

10           Tracking all acceptance tests, accepting field  
11 inputs, and providing completed forms with the ATTPC logo.  
12 The way that we have got the local jurisdictions on board  
13 with enforcement has been through this process where the  
14 ATTCP actually supplies the printed form of the test after  
15 its completed and the data has been entered and puts their  
16 logo on that form.

17           The reality is, is that in nonresidential we are  
18 still in a hardcopy world. So we have to provide those  
19 forms hardcopy for the local jurisdictions. The local  
20 jurisdictions are eager to have these logos, to see these  
21 logos on these forms. Because it means that somebody else  
22 is actually watching over these technicians. And they can  
23 have a simple, easy way of verifying that that form has  
24 been filled out correctly. And that's what they really  
25 want. They want a simple, easy way to complete their

1 inspection.

2           So available information to assist HVAC  
3 contractors, I'm not sure how much information HVAC  
4 contractors really need about acceptance testing.  
5 Obviously you need to go through the training. That's the  
6 best way to do it.

7           But the manuals we have, we have a Nonresidential  
8 Compliance Manuals, it's Chapter 13. It lists out  
9 everything that -- all steps that you need to take to go  
10 through each acceptance test. And in that it has a lot of  
11 different information, the purpose of intent, the  
12 instrumentation that you might need, the test conditions  
13 that you've got to set up, the estimated time to complete,  
14 the acceptance criteria, potential issues, and indicates  
15 what tests can be run concurrently as well. It's all in  
16 that in Chapter 13. It may be a little difficult to get  
17 through. At least the first time it was for me. But all  
18 the information is there.

19           So when we come up to solutions, when we try and  
20 look at this, the Energy Commission right now -- we are  
21 thinking that this is a county-by-county issue that needs  
22 to be addressed. We might be wrong. If we're wrong, we  
23 want to address it.

24           But from the information that I have available to  
25 me, we went out and got information that includes the value

1 of permitted nonresidential construction. And that is --  
2 it's from CURB, (phonetic) who put it together from the  
3 various building departments in California. Basically it  
4 looks at the value of construction for nonresidential that  
5 have been issued permits. So I mean we all know that there  
6 are issues with that right from the get-go. Not everything  
7 gets permitted.

8           So we look at that and say "All right, is there  
9 anything better out there?" And so far I haven't found  
10 anything. But you've got some ideas about what information  
11 is available out there and how we might be able to get our  
12 hands on it, we'd be very much interested in finding out.

13           With the number of licensed HVAC contractors, we  
14 can get that based on where they say their business is  
15 located, via their address. Now, we can put them into a  
16 county that way. Now that's not to say that that  
17 contractor only services that county, but for what we know  
18 at this particular point, that is all we know: where they  
19 are and what county they're in. And so we presume that  
20 they at least service that county. But we got that  
21 information from CSLB. That's a state licensing board.  
22 And obviously there is problems with that information.

23           But with these two pieces of information, what we  
24 feel like we have is an idea of what the workload is and  
25 what the workforce is. And if we look at that on a county-

1 by-county basis it seems like there should be a way that we  
2 can use that information to get an idea of where the number  
3 of ATTs needs to be.

4 Now if we put that together with what acceptance  
5 testing needs to be available for each climate zone and  
6 determine that -- okay, we can do that from the Energy  
7 Commission based on our knowledge of the standards, our  
8 knowledge of the climate zones, and what we have connecting  
9 climate zones to various counties -- we can put that  
10 together. So that that is an estimate of not only what --  
11 how many technicians we need for each area, but what  
12 acceptance tests they actually need to be able to perform.

13 So possible recommendations, so we might create a  
14 minimum requirement of ATTs for each acceptance test for  
15 each county. This would tend to address the issue of  
16 geographic availability of the ATTs and access to  
17 infrequently-used acceptance tests. So even if we had a  
18 thermal storage system that is only installed in certain  
19 places within California, if there was a county that in an  
20 unusual circumstance might develop a system that could be  
21 installed in their county, they actually have to have  
22 access to an ATT that can run that test.

23 So taking the local market constraints into  
24 consideration we feel like this data might lead us to that  
25 answer. Now, it's not definitive. So far there's no

1 information I've found that is definitive, but this is  
2 pretty close.

3           So from preliminary estimates, this approach  
4 would require the certification of approximately 1,260  
5 ATTs. So I just want to remind you there is a number -- we  
6 did some calculations and we came up with this number.  
7 That will not be the line. That will not be the bright  
8 line. The bright line will be each county -- the bright  
9 line for each county.

10           But a lot of people want to take a look and say,  
11 "Well, you know, to get our hands around this, to get our  
12 minds around this, how many technicians are we really  
13 talking about?" And my guess, guesstimate ballpark number  
14 is 1,260.

15           So at this point we're going to open up for a  
16 discussion, making comments available. Again, please step  
17 up to the microphone.

18           So do consider this: all comments are public and  
19 subject to the Freedom of Information Act. Comments can be  
20 in person, via WebEx or written. All comments will become  
21 part of the public record. Please announce your name  
22 before you comment and speak into the microphone.

23           And we'll go ahead and check here real quick into  
24 the chat, okay? And I'll leave that up.

25           And then we will go to the first person, so

1 Chris Walker, you're up first.

2 MR. WALKER: So wait, we can't just turn the  
3 microphone around and have everyone talk?

4 MR. LOYER: No, I'm sorry. Nah, nah, free-for-  
5 all? No.

6 MR. WALKER: All right, all right.

7 Again, thank you for having the workshop today.  
8 It'll be very helpful if we move forward. Obviously I'm  
9 here for the California Association of Sheet Metal and Air  
10 Conditioning Contractors. We have put a lot of time and  
11 energy into the NEMIC Program. We have a couple of  
12 contractors here today that may want to speak later, that  
13 have done a yeoman's effort of trying to get their  
14 technicians certified. And a good number of that 170 are  
15 represented here today by these two businesses.

16 But we are very much interested in making sure  
17 this program is a success. We would like to see the  
18 program turned on as soon as possible. When we say  
19 possible we want to make sure that the program does not  
20 overwhelm the industry in a way that causes disruption,  
21 particularly a political disruption that might come back  
22 and revisit on the Energy Commission and its resolve to see  
23 the program through.

24 When you look at the technicians certified on all  
25 17 MEC (phonetic) forms, that is a question. And then

1 again 16, 18, 17, whatever you see, one of the concerns  
2 that we would have is if we've got technicians in the urban  
3 areas to meet that demand, that we not wait around for ever  
4 until we get that one technician in Modoc County. We would  
5 be very concerned if in fact we have a program ready to go  
6 in some areas of the State, that are being held back  
7 because of other areas. So we'd like you to look at maybe  
8 a staggered implementation if in fact we have certain  
9 conditions met in certain areas.

10           The time, effort, and the cost per form is a very  
11 big deal. When we look at some of the time estimates, per  
12 MEC Form it can really add up. You look at the cost per  
13 form may be, you start doing some math, and there's a real  
14 cost for general contractors and building owners out there  
15 that need to be paid attention to.

16           And then it comes to the, are these new hours or  
17 are they existing hours, right? And what your presentation  
18 showed was that largely it's not being adhered to. That's  
19 why we have a regulation. We hear reports time and time  
20 again of these forms simply being filled out in a  
21 restaurant somewhere. And that means time is not spent  
22 doing the test. And so when we look at the new hours, what  
23 does that mean?

24           Most of the folks that are certified technicians  
25 are test and balance technicians that are already

1 subscribed. And these would be additional new hours that  
2 need to be taken into account.

3 The big gorilla in the room to us, and what  
4 stands in the way of a good program and a really bad  
5 program -- and even worse than a bad program would be a  
6 disastrous program where people spend a lot of money and  
7 lot of energy implementing and it doesn't turn out to do  
8 anything. As you said since 2005 these MEC forms have been  
9 required. That is what, 11 years ago? And how many local  
10 building departments are insisting that these forms are  
11 being done today? And that's 11 years later.

12 When you flip this on who's to say that the  
13 building departments are going to have any different  
14 perspective on this?

15 And you have contractors that are bidding jobs  
16 based upon doing the work and actually getting it done.  
17 That's going to be a lot different than a contractor  
18 bidding job that plans on filling these forms out in a  
19 restaurant. And if there's no local building official  
20 keeping an eye out you've created a bad situation,  
21 particularly for the good contractors and the good  
22 technicians that are out there to do the job properly.

23 So what we would like to see is, what is the  
24 Energy Commission's game plan to get a change of behavior  
25 at the local building departments? Even to this day, while

1 we have NEMIC out there and NEBB as approved ATTCPs, and  
2 we're getting technicians certified, we still have some of  
3 the largest urban areas in the State that you would  
4 consider environmentally progressive, that may not have  
5 that same sentiment at their building department. And  
6 that is troubling to people who are getting prepared to  
7 implement this program.

8           Cost for uploading forms. We've heard everything  
9 from \$30 to \$50 per form just to be able to upload them  
10 into the State system. We'd like to get a better  
11 understanding of the provider of that registry and what the  
12 costs are. It doesn't seem reasonable when you start  
13 looking or thinking about these 17 MEC forms on how many  
14 different pieces of equipment on a particular job. We're  
15 talking tens of thousands of dollars, just to upload forms  
16 in some cases. This could be a big shock.

17           The higher the cost associated with this -- high  
18 cost where you're getting a product is one thing, but the  
19 higher the cost where you're not getting, causes human  
20 behavior to avoid compliance, right? Because now you've  
21 got an economic incentive to avoid compliance, and if we  
22 have a weak building department in that particular  
23 jurisdiction we've done a lot of work for nothing.

24           So thank you for having this workshop. Hopefully  
25 this isn't the last discussion that we have as kind of a

1 stakeholder group prior to the Energy Commission making a  
2 final determination. We don't know as the Sheet Metal  
3 Contractors -- we don't know if the number 300 or 1,260 --  
4 we don't know what that number is, but we're very nervous  
5 that when we do turn it on we have the right number of  
6 people. And they know how to do the job properly, so that  
7 we don't cause disruption. Disruption that leads to  
8 economic disruption, leads to political disruption. And we  
9 don't want to see the program go away.

10 MR. LOYER: Well, I'm glad to -- thank you,  
11 Scott. I'm glad to see you guys are coming out in at least  
12 general support for the program and with appropriate  
13 concern. Thank you very much, and keep yourself available.

14 So Jim Huber?

15 MR. HUBER: Good afternoon. My name is Jim  
16 Huber. I'm here on behalf of NEBB. I'd like to thank the  
17 CEC for giving us the opportunity to participate. I think  
18 this is a very healthy dialogue.

19 I'd also like to echo some of the things that I  
20 heard from Mr. Walker -- couple of points that I'd like to  
21 make. NEBB has been doing this for 45 years. And one of  
22 the things that we've learned, when it comes to certifying  
23 firms and technicians, is that it's much more productive  
24 for the CEC to set a date.

25 And I know that the 300 threshold is in the law.

1 And it's kind of handicapped you, because what happens is  
2 it's almost counterproductive for the people to comply with  
3 that requirement. Because by doing so, they're just going  
4 to cost themselves a lot more money that they don't have to  
5 pay right now. So trying to hit that threshold first is  
6 almost counterproductive.

7           What we've seen -- and we've done technician  
8 certification for a long time -- is that when you set a  
9 date and people know there's a hard date they will start  
10 getting their people certified, because they don't have a  
11 choice. So if there was a way to get around the 300  
12 threshold and go to a date. And you could even leave a  
13 threshold that said if by this date we haven't reached 300,  
14 then you would have a backdoor out. That would be the  
15 quickest way to hit the 1,260, or whatever that number  
16 needs to be.

17           The other thing I'd like to comment on is when we  
18 talk about the counties, and the distribution throughout  
19 the State, this is another thing where we've got a great  
20 deal of experience. And we have the equivalent of ATEs and  
21 ATTs that take care of ginormous -- I just invented a word  
22 -- huge areas, geographic areas. And I'm talking about  
23 contractors that serve all of Montana, all of Wyoming, all  
24 of Idaho from one shop.

25           So what we have found is that the market will fix

1 itself. If you don't have the coverage in the county, at  
2 some point the market always corrects that. It's either so  
3 expensive to get somebody to come in remotely that it's  
4 worth getting certified yourself. Or it's not worth it and  
5 they're just going to pay people to come in remotely.

6 So I think that I would be less concerned in the  
7 remote areas about getting the coverage down there. I  
8 don't think it's going to be as big of a problem. And I  
9 know in our experience we've seen that it isn't. And  
10 that's all that I have.

11 MR. LOYER: Thank you, Jim.

12 Amber? Amber Ryman?

13 MS. RYMAN: (Indiscernible)

14 MR. LOYER: Oh, okay. And Dave Dias?

15 MR. DIAS: I'm Dave Dias with Sheet Metal Workers  
16 Local 104.

17 Actually, I agree with Chris, Mr. Walker's  
18 comments. And maybe we can do a different approach and do  
19 the main urban areas first and then branch. Kind of like  
20 the smog checks were in California. I remember that there  
21 were only certain counties that they did it and then expand  
22 it from there. The greater Bay Area and I think Sacramento  
23 and L.A. and all that.

24 I don't know if Modoc County, Alpine County, all  
25 those have that much building going on where we really need

1 it, and eventually maybe move it out to that in a time  
2 frame? Or something, I mean it's just an idea.

3 MR. LOYER: Yeah, yeah.

4 MR. DIAS: I've just been thinking about that. I  
5 mean, I sit on the CSLB. I see what goes on with that.

6 Like if you like want to use an example of  
7 authorities having jurisdiction or the deal with units  
8 coming into California, replacement units, furnaces and air  
9 conditioning -- back in, I think 2008, that the CEC did a  
10 study on their strategic plans, and said about less than 10  
11 percent were permitted.

12 And I was in a meeting in December. And the CPUC  
13 had a little demonstration, or whatever you want to call  
14 it, and they said that less than 10 percent of HVAC units  
15 get permitted. So to me that's about basically zero  
16 percent increase in eight years.

17 MR. LOYER: Yeah.

18 MR. DIAS: So we've got an issue with that. If  
19 we do the same thing with this nothing's ever going to  
20 change. That's what I'm getting at. We need to get going  
21 on this. Coverage will get there.

22 Maybe like I said, do the urban areas first and  
23 let it expand out from there. I think, I mean if you add  
24 up Modoc, Alpine, Plumas I mean you're going to add up a  
25 ton of counties that don't even equal San Francisco.

1 MR. LOYER: Oh, yeah.

2 MR. DIAS: So maybe we can do it that way first?

3 MR. LOYER: Yeah. You know, when it comes down  
4 to it I think that -- and I don't mean to speak to cut you  
5 off or anything. And we don't have a timer going, so don't  
6 worry about that, but yeah I think these are good comments.

7 I'm not sure how we might be able to do a  
8 staggered implementation, but we might be able to do like  
9 this bright line idea about each county has its bright  
10 line. But you can include the service area of like for  
11 thermal storage options installations. You can have  
12 probably one company cover all of Northern California or  
13 maybe all of California for thermal storage.

14 That's because it's a very dedicated system. You  
15 really do have to have a lot of experience in order to  
16 install it right and get it working, so there's only going  
17 to be a few installations anyway. And so yeah, probably  
18 only one company can cover all of it.

19 Then again when we have split systems, those are  
20 everywhere, done by everybody. And no chance one company  
21 is going to be able to cover all of that.

22 So yeah, I mean when we're talking about the  
23 various types of installations I think it's very good to  
24 take a broader view and not allow Alpine or smaller  
25 construction areas, construction intensity areas, to hold

1 back the rest of the program. And I think that's  
2 definitely a concern for the Energy Commission as well.

3 I think that one of the pieces of information  
4 that we're missing that maybe Dave and maybe others can  
5 supply to us is some examples of what forms they're filling  
6 out for typical installations. Like a split system, a  
7 simple system, a split system out in the field. You're  
8 actually doing it. And actual case examples of what forms  
9 you're filling out. And then we can kind of see, to a  
10 certain extent, what the impact is going to be. I think  
11 that will come up as well when we talk about things like  
12 the impact for having those forms registered at the ATTCP.

13 So I'd definitely like to have anybody and  
14 everybody submit to us some case examples of what they do.

15 MR. DIAS: I'm sure our contractors would be able  
16 to supply some information on that.

17 MR. LOYER: Good. Good, I appreciate it.

18 MR. DIAS: Thank you.

19 MR. LOYER: So Patrick, Patrick Pico?

20 MR. PICO: Good afternoon, my name is Patrick  
21 Pico. And I'm an instructor with the Bay Area Sheet Metal  
22 JATCs. And I teach the ATT courses that we put on. And  
23 have assisted NEMIC and ITI in developing the curriculum  
24 that's used in the training programs and also teach across  
25 the United States on HVAC.

1           So I've been involved with this from way, way in  
2 the back when it was just being talked about and seeing  
3 where we're at. And I've seen a lot of the struggles and  
4 talked to a lot of the technicians that are involved since  
5 I've put on most of the training that goes on in Northern  
6 California.

7           And the one thing I keep asking, because I know  
8 what our current pool of test and balance technicians are  
9 and also the service technicians that we have out there  
10 that are commonly performing these tests. And we've been  
11 successfully able to get 180 technicians to come through  
12 the NEMIC Program to date to get certified.

13           But the pool is much bigger out there. And I  
14 ask, "Why are they not coming in?" And the biggest part of  
15 the enforcement. They're wondering why should they give up  
16 their time and their resources to donate in -- get this --  
17 added certification if it isn't being enforced out there,  
18 that they're not going to get something back on their  
19 investment and their time.

20           And same thing on our contractors, I've talked  
21 with many of them. "Why aren't you sending your personnel  
22 in to get trained to go out and do this?" And it's the  
23 same thing. "What guarantee do we have that this will ever  
24 get up off the ground, because we don't have a date? We  
25 don't have anything tangible to decide whether or not to

1 invest in it."

2           The infrastructure is built. The infrastructure  
3 is there to train and certify and get people out there  
4 doing these tests properly. We just need some further  
5 action in people knowing that this is going to happen,  
6 because it is a benefit for all the people in California in  
7 saving energy, making their systems run better, and more  
8 efficiently.

9           MR. LOYER: Thank you.

10           And Tom, Tom Meyer?

11           MR. MEYER: I'm Tom Meyer with the ESCO Group.  
12 We are the nonresidential mechanical registry.

13           And a couple of points: number one, we can  
14 support a staggered implementation and I agree that that's  
15 probably one of the best choices. Because the sense of  
16 urgency to get this program actually starting to go -- it  
17 may be Dave's right, you know? We start with the large  
18 metropolitan areas. And I think that's a great idea,  
19 because then we start to show the industry that we're  
20 serious.

21           Because you can't get people interested if they  
22 don't believe it's going to happen. "We've heard that same  
23 song for three years. Nah, that's never going to happen.  
24 They're going to give up on it. We've seen the CEC before.  
25 It's not going to be enforced." That's the second point.

1 Everybody in the room that has testified so far has said  
2 without enforcement we're not going to get compliance. And  
3 without compliance this program's dead. We can build it,  
4 but they won't come.

5 I know we're working to build programs. That's  
6 why I suggested, Chris you get a hold of me, because we  
7 have a presentation on what the registry does besides  
8 upload forms. If you look at the application for NEMIC, or  
9 for NEBB, we're seriously involved in the quality assurance  
10 side of it, so enforcement is absolutely critical.

11 Now, one of the things that we're doing is we're  
12 leaving the stick to the CEC, but we're trying to get the  
13 carrot. And we're trying to make it useful to the AHJs,  
14 make it a time saver to use the registry. And because it's  
15 a single registry we have the advantage of being able to  
16 make it the central point of information for the AHJs, make  
17 it simple for them.

18 And as I said, Jim Huber from NEBB said that we  
19 need to set a date. And the SMACNA people said we need to  
20 stagger this thing. The message is the same. We need to  
21 get it going. We don't need to hold it up any longer than  
22 necessary. Let's make the numbers realistic and get going.  
23 Thank you.

24 MR. LOYER: Thank you, Tom.

25 At this point I'd like to ask anybody online if

1 they have any comments to make, go ahead and enter anything  
2 into the chat window. I've got it open, so you can enter  
3 in there.

4 And if there is -- oh, one or two more -- very  
5 good. If there is anybody else in the room who would like  
6 to make comments, I will just give the people online a  
7 chance to say anything here real quick.

8 (No audible response.)

9 Good, okay. All right, we'll just keep going  
10 here. I didn't bring my glasses in with me, and the last  
11 name Davies?

12 MR. DAVIES: My name is Duane Davies and I'm with  
13 National Air Balance Company. We're one of the largest  
14 test and balance companies in California and we're very  
15 much in support of this program. I think we've probably  
16 got the single most certified technicians out there right  
17 now and we're very proud of that.

18 However, I've been in the test and balance  
19 business for 38 years. And when I first began in this  
20 process if you were a balancer you were a liar. And the  
21 biggest problem was enforcement. And I don't see anything  
22 in this program now that's going to provide the proper  
23 enforcement to allow this to be successful.

24 If you take your enforcement and put it on a  
25 website most people will figure out how to fill out a form.

1 If there's no enforcement out in the field, with somebody  
2 actually coming out to see that things are getting done,  
3 I'm very concerned that this program will fall apart and/or  
4 just become a rubber stamp. So I'd really like to  
5 understand how it is we're going have people out in the  
6 field enforcing this?

7 And the local jurisdictions already don't have  
8 enough people to certify even the Fire Life Safety Code  
9 compliant stuff that needs to be done. So I'd like to  
10 understand the mechanism for the enforcement of it and know  
11 that it's going to be more than just a website.

12 MR. LOYER: I can do that to a certain extent  
13 right now, our general enforcement procedures and what we  
14 do for Part 6 right now.

15 Essentially what we rely upon is two critical  
16 pieces. We do an education outreach program where we go to  
17 ICC chapters. We'll go to the building departments. We'll  
18 go to large assemblies and small assemblies of building  
19 inspection professionals or their direct bosses. And we'll  
20 do a presentation of exactly what Part 6 requires, how to  
21 manage compliance. We'll work within individual  
22 jurisdictions to help them set up.

23 We have had instances where we've actually been  
24 called upon to intervene for a builder or for a contractor  
25 that is trying to do the right thing and is not getting a

1 response from the building department or getting an  
2 inappropriate response from the building department. We  
3 will go to that building department and we will educate  
4 them on what exactly they -- where they went wrong and what  
5 they need to do in the future and how they need to enforce  
6 the standards.

7           Through that effort we have many times come  
8 across local jurisdictions that have wholly inadequate  
9 programs either for fire, life and safety. We've had one  
10 that was doing none of it. That was issuing permits and  
11 not inspecting anything. So we work with them to get their  
12 program up and running, get them into an electronic  
13 program, make sure that they educate their people, and make  
14 sure that they write their contracts for inspectors  
15 appropriately.

16           We've been working with local jurisdictions for a  
17 long time. Now, when it comes down to it the Energy  
18 Commission does have a bat to use. We can, if it becomes  
19 absolutely necessary, we can make it so that the local  
20 department cannot issue a permit without first coming to  
21 the Energy Commission.

22           Now the Energy Commission won't take over things  
23 like Fire, Life And Safety. We have no authority for that.  
24 But we will take over things like the enforcement of Part  
25 6. So they can issue their permit to a point, as

1 appropriate, up to the Part 6. Then that permit has to be  
2 sent to us. And all the evidence has to be sent to us.  
3 And then we approve that plan and send it back for permit  
4 issuance. Now, we've never had to go that far. Just the  
5 specter of doing that has been enough.

6 I'll tell you another piece of information that I  
7 found out when I was investigating exactly who has  
8 authority over things like Fire, Life and Safety, because I  
9 was concerned about that. No state organization, no state  
10 body actually has the authority to take the permitting  
11 authority away from the local jurisdiction. The Energy  
12 Commission has only as far as Part 6 goes. And we are the  
13 only one.

14 The only other way for a local jurisdiction to be  
15 forced into doing proper inspection, doing proper permit  
16 issuance, plan approvals, all of that, is for the local  
17 constituency, the citizens, to actually file a civil suit  
18 and force them to do that. Now, that has actually happened  
19 in several times.

20 And part of the reason why the Energy Commission  
21 uses forms the way we do, is to allow for that record to be  
22 created. Once that record is created then the actual  
23 injured party, the building owner, the people who are  
24 actually -- the tenants who are actually using the space,  
25 the builders themselves, actually have something they can

1 use to bring to a court.

2           So it is never going to be easy. It is never  
3 going to be simple. Now all of that said, one of the  
4 things that gives me a lot of hope is that we have  
5 implemented the lighting controls and we are getting the  
6 appropriate responses from local jurisdictions. We are  
7 actually going into local jurisdictions that are major  
8 jurisdictions and walking through with them how they are  
9 actually enforcing this and they are coming up to the exact  
10 right answers. They are looking for the logos. They are  
11 making sure that the actual person signing them is somebody  
12 who is legitimate. They know how to actually check the  
13 name.

14           And the ATTCPs are making it easier, actually  
15 easy for the local jurisdictions to enforce. And that's  
16 the real key. If it's the same way for mechanicals as it  
17 is for lighting, and it's the same from one county to the  
18 next, then it's easy for the local jurisdictions to turn  
19 that and say, "This is the same. You know, I'm an  
20 inspector. I worked in L.A. This is how we did it in L.A.  
21 and look low and behold, this is how you do it in Modoc  
22 County too."

23           And if we can do that, if we can provide them  
24 with the simple road to enforcement, they will take it.  
25 They want to do their job. They want to. They just look

1 at the pile of paper work that we have created, out of  
2 necessity, and they are daunted by the task. So if we make  
3 it easier on the local jurisdictions that will go a long  
4 ways into making enforcement a reality.

5 And beyond that I would say you're absolutely  
6 right. Enforcement is the key to making this all happen,  
7 but it's not just enforcement.

8 MR. DAVIES: But my fear is you're talking about  
9 enforcement of the process. And what I'm concerned about  
10 is first off, the rigor of these forms is very, very  
11 strong. And it's going to add time and cost to the end of  
12 a project or during a project. And there's already undue  
13 pressure put on the trades to get things filled out and  
14 corrected and done. So the rigor that gets put into some  
15 of these can be less than.

16 And I'm concerned that the forms that are going  
17 to be filled out could be filled out in a very -- in a  
18 fashion that's maybe not intended. So whether it's outside  
19 air measurement, whether its measurement of shutoff valves,  
20 whether it's demand and all that, there's all kinds of way  
21 that those forms can be filled out and you'd never know if  
22 they were filled out right or wrong.

23 MR. LOYER: This is totally correct.

24 MR. DAVIES: And so much like -- we're many of us  
25 in here are test and balance people, we're certified with

1 different agencies. And even then it's very difficult if  
2 not impossible to enforce work that's done correctly. So  
3 how does that get enforced in the field?

4 I mean, I understand your process on the website,  
5 but I'm not understanding how you enforce in the field.  
6 And if we start this thing off with too few people, there's  
7 going to be a tremendous amount of pressure put on our  
8 technicians to do less than.

9 MR. LOYER: So basically, that is we try to  
10 address that in Quality Assurance. So that's the whole  
11 point of Quality Assurance. So that's why it's so  
12 expensive.

13 For lighting controls, they have a series of  
14 processes that they go through. Its first and foremost  
15 they do a desk audit on all the forms that are turned in.  
16 They have the plans that have to go with that, so that they  
17 can actually see that. "Okay, I should have these forms  
18 for these rooms. I do have them, or I don't have them.  
19 They should be in this ballpark. The numbers should be in  
20 this ballpark." And that is to be done by an expert that  
21 is employed by the ATTCP.

22 The requirement then is to -- or for a certain  
23 number of them to actually go in the field with the ATT and  
24 walk with them through a program, through a project, and  
25 make sure that they are filling this out -- the shadowing

1 of requirement.

2           That has brought a lot of problems to light with  
3 the training for the ATTs. And for getting them to  
4 recognize that it's not going to be as easy as they think  
5 it is to -- I'm just going to say -- cheat. But when it  
6 comes to the mechanical side, that is a much more difficult  
7 process, so it becomes a requirement that we do a higher  
8 level of desk audit to begin with.

9           So NEMIC right now has got a requirement for  
10 essentially roughly a 10 percent desk audit. So 10 percent  
11 of all the forms that are turned in by an individual ATT  
12 have to be reviewed by an expert journeyman by NEMIC.  
13 Those forms, if there is a problem, if there is anything  
14 that is unusual or suspicious in terms of those entries,  
15 then that technician gets a field audit.

16           Now we looked at that and said, "All right. That  
17 is at least the beginnings of a good quality assurance  
18 program." NEMIC actually is very good at this. They are  
19 very good at fining their people. But you're right,  
20 there's always going to be opportunities for technicians to  
21 cheat. There's always going to be opportunities for  
22 somebody to use somebody else's license or certification  
23 number. That's always going to be there.

24           And it's on the Energy Commission and the ATTCPs  
25 to be responsive, to keep a mind open, our eyes open as to

1 what's going on and to check, and to check. That's what we  
2 can do.

3 MR. DAVIES: Well, when we're talking about a  
4 number between 300 and 1,200, whatever that number is,  
5 you're talking about desk audits. What number of people  
6 you have doing that will be done timely, so that we're not  
7 delaying jobs or having to go in six or eight months later  
8 if we find an issue?

9 MR. LOYER: Well, for mechanical it's done post  
10 job. So they'll have the plans, the forms, the certificate  
11 forms, the insulation forms and the acceptance test forms  
12 to work with. So there won't be, there shouldn't be any  
13 delay, no shouldn't be.

14 MR. DAVIES: Well, our concern is if you  
15 discovered something that looks suspicious and now you need  
16 to do a field audit that could be very cumbersome to do  
17 inside an occupied building.

18 MR. LOYER: Right, absolutely. Yeah, most of the  
19 time if there is something that is suspicious, yeah there  
20 is a possibility of them actually going to that building  
21 and saying this was not done to code.

22 MR. DAVIES: Thank you.

23 MR. LOYER: Sure.

24 Before we go on to the next speaker here, we  
25 actually have somebody from the chat window here. Let me

1 get my mouse control there. Okay, so we'll start with the  
2 first one here.

3 This is from Finlay Drake. "I want to confirm  
4 that there is a program available for commissioning agents  
5 and professional engineers to get registered as ATTs."

6 That is actually provided in code, so just  
7 because you're a commissioning agent or a professional  
8 engineer does not mean you cannot be an Acceptance Test  
9 Technician. You have to have the minimum requirements.  
10 For some it's going to be three years, for NEMIC you must  
11 be a part of their union. And I believe it's five years  
12 for them. So but you just have to qualify. And that's it.  
13 But you can be a commissioning agent or a professional  
14 engineer.

15 I would say generally NEBB is probably going to  
16 be your best bet, but if you can get to NEMIC as a union  
17 member I'd say they've got a good program too, so.

18 This is from Jerry Weiss. "The registry is  
19 developing a number of checks and balances to address the  
20 desk audit issues. And we will be providing an internal  
21 audit on 100 percent of the forms submitted." And I  
22 appreciate your submitting that, Jerry. Thank you.

23 And let's see, Dave here at the Energy  
24 Commission, Dave Lawson?

25 MR. LAWSON: My name is David Lawson. I'm with

1 Lawson Mechanical Contractors. I'm a mechanical  
2 contracting firm here in Sacramento. We've been around  
3 since 1947 and do work all over California. I also am on  
4 the Board of CAL SMACNA. And CAL SMACNA has been following  
5 this issue for quite some time. I am an acceptance testing  
6 employer. And I have a Fresno office and my manager down  
7 there is an acceptance testing employer also.

8           We are all for the program. I think there's two  
9 kinds of contractors that look at this program and are  
10 concerned. They're the ones that think, "Oh no. I will  
11 now have to step up my game, because my works is going to  
12 be checked." And then there's contractors like me who's  
13 not worried about installing a faulty system. But what I'm  
14 concerned about is the certainty and the risk.

15           Contractors want two things. They want certainty  
16 and they want to perform. And a part of the uncertainty of  
17 this whole program, when it starts, how much forms cost,  
18 makes things very uncertain. And contractors don't like  
19 that. And this speaks of the ability to perform and fail  
20 or not fail.

21           And how do contractors fail? Well, on bid day I  
22 can fail by having either too much money in my bid or not  
23 enough. So the contractors who are going to skirt this  
24 issue are going to have an economic advantage over me on  
25 bid day. So I'm going fail on bid day, because I'm doing

1 the right thing to include the cost of this program in my  
2 bid.

3           Then, once the program is underway, and I'm  
4 actually doing the work I want to make sure that I'm able  
5 to perform it the way I'm supposed to. And I don't  
6 currently have an acceptance testing technician. Once the  
7 program is rolling and under way, I will certainly have my  
8 own acceptance testing technicians and it's likely that in  
9 some instances I will perform that work myself as a  
10 contractor. And there are other times I will subcontract  
11 it out to Mr. Davies, depending on the job and the risk  
12 etcetera, etcetera.

13           But within this program I don't want to hire just  
14 any acceptance testing technician, because a part of the  
15 failure is I don't ever want to get a letter from the CEC  
16 saying, "Hey, we did an audit of your program and we found  
17 that you did something wrong." I don't want that ever.  
18 I can't go out in the field and babysit the technician as  
19 he does his work to make sure he does it right. So  
20 therefore I have to have a really good relationship with  
21 those people, that person, who's doing that work.

22           So I guess to sum up, I urge for things to become  
23 certain as soon as possible. And I think a lot of the  
24 anxiousness in the contracting community is going to go  
25 away. And enforcement is definitely key.

1 I do know that good contractors are held to a  
2 higher standard. And contractors who aren't as good are  
3 definitely held to a lower one. Thank you.

4 MR. LOYER: Let's see, I don't have any more blue  
5 cards. So I think one of the things -- and this actually  
6 comes back to why I asked Chris not to go anywhere. So one  
7 of the things I'd like to kind of discuss -- and we've got  
8 a little bit of time -- so one of the things I'd like to  
9 discuss and flesh out a little bit more is this whole idea  
10 of staggered implementation.

11 If we do something like that my presumption is  
12 that we would probably have -- we would probably see the  
13 Los Angeles area, not just Los Angeles County but Los  
14 Angeles area, probably go first. We would see San  
15 Francisco maybe go with them, the Bay Area generally go  
16 with them.

17 But what does that mean for the counties outside  
18 of those areas when it gets to the point of, how long do we  
19 wait for that to be a requirement, for the certification to  
20 be a requirement in these outlying areas?

21 So anybody who's got some thoughts on that, I  
22 think I would like to hear from them. And if anybody does  
23 not get their thoughts in and would like to, please feel  
24 free to submit written as well. So, yeah.

25 MR. WALKER: Chris Walker, on behalf of the

1 California Association of Sheet Metal and Air Conditioning  
2 Contractors.

3           You know, I don't think there's any good answer  
4 that question, but when you look at getting this program  
5 going you look at Los Angeles. You look at the Bay Area.  
6 You're going to have a lot more resources to work with to  
7 make sure the program is successful.

8           I would definitely put dates on when those  
9 counties are coming and then when the subsequent counties  
10 are going to come in. So everyone has a target to shoot  
11 for. You don't have new conditions that you kind of lay  
12 out that have to be met, because again I think people will  
13 kind of drag their feet.

14           But if you establish implementation in the two  
15 big urban areas of the state and look at what happens  
16 there, right? And look how the building departments are  
17 responding, look at how the contractors are responding,  
18 look at how the building owners are responding. At the  
19 same time, you have another date that's maybe six months,  
20 twelve months later, for these other counties to come in,  
21 you can make some adjustments potentially with those.

22           But get the big counties going where you have the  
23 training centers happening, where you've got the  
24 technicians certified. Not all counties are enforcing  
25 right now, right? And maybe what you do is you basically

1 say the enforcement date. You know, the CEC's going to be  
2 auditing the building departments in this county on this  
3 day going forward. These counties we start first and these  
4 counties we start twelve months later.

5           To us, we just need to get the program going.  
6 The uncertainty that Dave spoke to, that you heard. You  
7 need to have something to work towards whether or not it's  
8 a number of technicians, whether or not it's geographical  
9 coverage of the ATTCPs, depending upon the classification  
10 of the people that are coming through the program. Those  
11 are somewhat vague and ambiguous in terms of a hard  
12 deadline. We definitely need hard deadlines.

13           MR. LOYER: And I can appreciate a hard deadline  
14 as well. I mean it does have a certain amount of -- it has  
15 a certain amount of certainty to the whole program that  
16 isn't there otherwise. Without a hard deadline, I can see  
17 how it looks like oh, this could just keep going on, and  
18 on, and on.

19           And I think staggered implementation, it might be  
20 achievable. One of the issues is going to be first and  
21 foremost "Is this significant enough that we actually have  
22 to go through a rule change to do it?" That's going to be  
23 one of the issues that the Energy Commission has to  
24 address.

25           So that will be something that I think that we

1 can address to a certain extent. We'll have to go  
2 internally to discuss that particular issue. If it is a  
3 rule change that is more or less a year-long process, so  
4 that would probably not be a good idea then. But that  
5 would be one of the first questions I would answer.

6 And to get to that one of the things that I would  
7 look at is to say, "All right, if we are going to go  
8 staggered implementation how are we going to determine how  
9 much, when to do that for just L.A. County?"

10 So for L.A. County, where most of the building is  
11 going on, how do we determine when is the right date to  
12 actually pull the trigger for L. A. County?

13 The first one, you have to speak into a  
14 microphone.

15 MR. WALKER: Again, you have to get at the  
16 equation of how much of this is new man hours versus  
17 replacing existing man hours, right?

18 MR. LOYER: I think you said it right. I think  
19 when we look at the current compliance it's all new man  
20 hours isn't it? It shouldn't be. I hate to reward that.  
21 And there's a certain amount of me that says we're not  
22 going to. But to be honest, to deal with the world as it  
23 is, they are new hours.

24 Go ahead, Tom.

25 MR. MEYER: Tom Meyer from the ESCO Group.

1           One of the things that we haven't talked about is  
2 the capability of the registry to have the employers or the  
3 ATEs self-identify market areas. The NEMIC people have  
4 160, 170, 180 people certified. But we don't know how many  
5 market areas that actually effects, okay?

6           So maybe an interim step would be for the NEMIC  
7 people and as NEBB's employers come online, we start to  
8 have them identify within the registry what their market  
9 areas are, so we can start doing a snout count. You know,  
10 actually start saying, "Okay. We've got 170 guys that have  
11 metropolitan L.A. addresses. Does that mean we only have  
12 170 technicians in L.A. and no place else?" And I think  
13 that's probably unreasonable or an unreasonable assumption.

14           So if we can start getting the NEMIC employers to  
15 start self-identifying we can start painting in the  
16 counties. It may be a better picture than one we're  
17 talking about right now.

18           As far as getting one county or the metropolitan  
19 areas like the guys are talking about, I think that's a  
20 wonderful idea, because it allows us to win the hearts and  
21 minds of the smaller AHJs, because those are the ones that  
22 are going to be the hard sell. You know, the one-and-two  
23 guys shops that don't need the headache. But we can get  
24 out and start educating them. We can start motivating  
25 them. We can start doing all the things we need to do, but

1 the fact that we've got the programs working in L.A. and in  
2 San Francisco allows us to make our mistakes, as somebody  
3 pointed out. You know, we learn how to improve our  
4 programs.

5 But I think by getting -- the first thing we've  
6 got to do is find out what we've really got. You know, how  
7 much coverage do we really have right now, because we have  
8 no idea. Have your guys declared what market area they  
9 have for NEMIC --- for NEMIC searches? Does anybody know?

10 UNIDENTIFIED SPEAKER: They have.

11 MR. MEYER: Well, one of you -- pardon me? They  
12 have.

13 UNIDENTIFIED SPEAKER: Yeah, we have a list of  
14 all the counties that they're in.

15 MR. MEYER: That they service?

16 UNIDENTIFIED SPEAKER: (Indiscernible) up and  
17 down the State.

18 MR. MEYER: Oh, okay. Okay. So when you went in  
19 as an employer did they ask you where your market area is?

20 UNIDENTIFIED SPEAKER: They asked me to identify  
21 those counties I was willing to go to.

22 MR. MEYER: Okay, same difference. Right, right,  
23 right, good. The answer was is yes, they had you identify  
24 your counties that you would go to.

25 So I think that's what we need to do. I think

1 that's our next step. You're going to have to get with  
2 your bosses as to whether they'll let us break it down into  
3 localities, but I can see this as being very positive. And  
4 as far as the registry is concerned, we can support that.

5 MR. LOYER: Okay. Yeah, I think that's very  
6 good. I can see some positives from doing this as a  
7 staggered implementation on our end as well, being the  
8 enforcement side.

9 If we're dealing with larger, more sophisticated  
10 local jurisdictions it'll be a lot easier sell for them if  
11 we walk in and say, "Okay. We're ready to implement this  
12 in your county. We want you trained and understand exactly  
13 what you're going to start seeing. And understand that you  
14 should not be accepting forms unless they have these  
15 stamped logos on them and how to ensure that you've got a  
16 legitimate technician that's doing the work."

17 I think if we do that on a smaller case, maybe in  
18 a staggered area, maybe starting with the Bay Area, who's  
19 already very out in front of this. One of the things the  
20 Bay Area is doing I hear -- I hear by rumor -- is that they  
21 are requiring the lighting controls ATTs to actually be  
22 third-party.

23 We really do need to have a discussion with local  
24 jurisdictions about that. But if that is the case -- and  
25 for the Bay Area I would not doubt it -- so they seem a

1 little bit more progressive along those lines. Los Angeles  
2 County is sick and tired of being described as a county  
3 that does not enforce regulations. They've come to us  
4 several times. Los Angeles City has been up here at the  
5 Energy Commission several times. They've actually got what  
6 we call a local ordinance to go above code.

7           They require cool roofs at this time. They're  
8 looking as a mandatory installation for residential.  
9 They're looking at requiring that for non-res, I believe.  
10 And they're looking at a 2016 local ordinance that they can  
11 develop that might go beyond cool roof.

12           So we have some interest from what I would  
13 describe as friendly, local jurisdictions that I think  
14 would be very helpful along these lines. And if we can get  
15 them on board, just like Tom says, we can iron out a lot of  
16 problems that are going to show up that have to show up.  
17 That it's not going to be a perfect implementation first  
18 time out the gate. But if we have a lot of problems show  
19 up we can iron them out with very sophisticated and  
20 friendly local jurisdictions. I think it might actually  
21 work out pretty well. I can see it working out well.

22           On the other hand, I could see this being a  
23 pretty bad implementation, as far as smaller counties are  
24 concerned, if they feel left out. If they feel that their  
25 concerns aren't being taken seriously. If they feel like

1 the Energy Commission or anybody else is basically telling  
2 them that they cannot build when they have the authority to  
3 make that judgment, yeah I can see that being a big  
4 political problem for us.

5 So I know you want to stand up and say something.  
6 Yeah, make sure you get to the mic though, Dave.

7 MR. DIAS: Dave Dias with Sheet Metal Workers  
8 Local 104. Why wouldn't they be able to build? I don't  
9 get that.

10 MR. LOYER: If we make it mandatory, in their  
11 area, that they get certified technicians and there aren't  
12 technicians available.

13 MR. DIAS: Oh, I see what you're saying.

14 MR. LOYER: Yeah.

15 MR. DIAS: Well, the step to approach again, if  
16 like you say the Bay Area first or whatever or L.A. or both  
17 of them at the same time, and you start there. You give  
18 them some notice. You go to all 550 AHJs in California or  
19 however many it is, if we can do that. And say Mr.  
20 Walker's idea of dates, "Okay, this date this county is  
21 going to go to this."

22 It gives the contractors time to get guys trained  
23 and everybody -- you know NEBB and NEMIC. Everybody can  
24 get together and understand where the end points are going  
25 to be in each county. So the authorities having

1 jurisdiction will know that and understand this is what's  
2 going to be. Now we need to train the inspectors what to  
3 look for. Trust me, I sit on IATMOS ((phonetic) Codes and  
4 I understand that a lot of inspectors don't know what to  
5 look for.

6 MR. LOYER: Oh, yeah.

7 MR. DIAS: Okay? So and you have also inspectors  
8 that do everything, not just mechanical, they do  
9 electrical, they do the whole building in smaller  
10 jurisdictions. So you have issues with that as well.

11 MR. LOYER: Yeah, they're also the chief building  
12 official and maybe the janitor at the end of the night.

13 MR. DIAS: Exactly.

14 MR. LOYER: Yeah.

15 MR. DIAS: And then maybe the government agencies  
16 can work together with the CSLB, to let the contractors  
17 know this is coming up. I'm a Board Member of the CSLB, so  
18 I know that information doesn't get out to everybody.

19 MR. LOYER: Oh yeah, yeah. And I can see the  
20 approach kind of building in my mind that we have first  
21 tier execution when we do this in stage one. We have  
22 second tiers, third tier, maybe fourth tier to get to all  
23 the different counties. And we let them know where they  
24 are. And we make a bus tour out of it, yeah.

25 MR. DIAS: I mean right now, the way it is if we

1 have 300 technicians it kicks in, correct?

2 MR. LOYER: Well not just that, but yeah 300  
3 technicians and we have to have full access. There are  
4 certain hurdles that are in place here that need to be  
5 achieved. So the access of training certification has to  
6 be demonstrated that engineers, commissioning agents  
7 actually do have legitimate access to the training.

8 If that happens it will have the ATTCPs actually  
9 put together a report that says, "Here are our technicians.  
10 Here are our employers. Here is how they're registered  
11 otherwise either as commissioning agents, PEs, maybe all of  
12 the above." And we'll go from that point to say, "Okay.  
13 It's very clear that we have access to training of all."

14 Then the 300 will have to be tested very  
15 similarly. It'd be a report from the ATTCPs. And then the  
16 Energy Commission has got to answer that question for  
17 themselves, "What is the impact to the industry?" We have  
18 to be conscientious of that.

19 But I think this sort of staggered approach --  
20 yeah, this leads us to a decent answer.

21 MR. DIAS: Well, what I'm getting at is if we  
22 didn't do something like that or even put time tables on  
23 it, all of a sudden it kicks in, how much time do you give  
24 somebody? Okay. All of a sudden this switch flips and  
25 this county has to come up to compliance or whatever,

1 everybody from February 29th it got kicked in, March 1st  
2 you've got to do it.

3 Or do you give them time? That's what I'm  
4 asking.

5 MR. LOYER: Right, yeah. I think one of the  
6 things that comes up, of course, to everybody's mind is  
7 okay, what if a local jurisdiction, the date comes due and  
8 they decide, "You know what? We're going to see if you're  
9 serious. We're not doing it."

10 MR. DIAS: Yeah. One other last thing I really  
11 want to say is Duane Davies, who is right spot on about  
12 enforcement -- I mean I sit on the CSLB, you see it over  
13 and over and over and over again about just non-union or  
14 not non-union, or non-licensed contractors and just how  
15 much that's an issue. I mean over and over and over.

16 If this thing's not enforced correctly, you might  
17 as well as burn it right now, the paper it's written on.

18 MR. LOYER: Yeah. And I can see the staggered  
19 approach actually gives us an ability to deal, like I said,  
20 with friendly local jurisdictions -- Bay Area and Los  
21 Angeles -- and work with them to make a better program,  
22 coming out the gate. Yeah, I can see a lot of positives to  
23 this.

24 MR. DIAS: Thank you.

25 MR. LOYER: You bet you.

1           Yeah, sure.

2           MR. WALKER: Chris Walker with Sheet Metal  
3 Contractors.

4           Once again, given the importance of this program  
5 for all sorts of environmental, air quality, other reasons,  
6 you could probably engage in an emergency rulemaking  
7 proceeding where you could abbreviate the time down to a  
8 few months versus a year. And you may want to explore an  
9 emergency rulemaking to get back into 10-103-B, make the  
10 appropriate changes, put some hard dates in.

11           The SMOG Check Program, when that was being  
12 implemented you had to have certified equipment and you had  
13 to get the technicians tested and certified, right? No one  
14 would buy the equipment until the month before they had to,  
15 because they didn't want to be putting their cash flow  
16 somewhere and testing cars on a new piece of equipment that  
17 they didn't need, right?

18           Same thing here, that's why you need a hard date.  
19 And people are going to be slow to sign up for the  
20 programs. People are going to be slow. You just need to  
21 go out there and do it. And I think an emergency  
22 rulemaking, implement L.A., Bay Area with a hard date, and  
23 other counties with a secondary hard date staggered behind  
24 them gives you the opportunity to focus your enforcement  
25 resources, work with the local building department, work

1 with the local contractors and learn as you go.

2 MR. LOYER: Yeah, I think those are points well  
3 taken. And we will look into the possibility of doing a  
4 rulemaking if it's necessary. My main objective would be  
5 to try and put this together so that a rulemaking isn't  
6 necessary.

7 Emergency rulemakings? They're great, they  
8 implement really quick, it doesn't alleviate you anything.  
9 You still have to go through the regular rulemaking later.  
10 So it just allows you to put the rules in place and  
11 implement now. But later on you do have to go through and  
12 if you don't -- if you aren't successful in your regular  
13 rulemaking that must follow, then you are required to  
14 remove the rule from the book.

15 MR. WALKER: But at least you got the date out  
16 there. You got it doing. And this is about the health and  
17 welfare of the State, so it meets the criteria for  
18 emergency rulemaking.

19 MR. LOYER: I would tend to agree, but we'll see  
20 if we can't avoid a rulemaking altogether. That would be  
21 the best.

22 Yeah, go ahead. Oh, and just for people online,  
23 I am still looking at the chat box. So I have it up and  
24 displayed the whole time. So if you do make a comment, I  
25 will read it out.

1           MR. LAWSON: David Lawson again, so a couple of  
2 things.

3           When I took that test, the four-hour test, I made  
4 a critical decision to disclose what counties I would be  
5 willing to do work in. Now I was taking the test, so that  
6 I could do the work myself, the work my company performs.  
7 I have no interest whatsoever in going out and doing just  
8 acceptance testing for another contractor.

9           So, when we're going to look at geographic areas,  
10 what contractors agree to what geographic area, it would  
11 be helpful to know what contractors are willing to just bid  
12 this work. Because my concern was when I check all these  
13 counties is that I'm going to start getting emails for  
14 counties that I have no interest in going to whatsoever.  
15 So when I come in, in the morning, and delete the 40 or so  
16 junk emails that I get every day once this program hits I  
17 realize there's probably going to be another 100 or just  
18 from acceptance testing, asking me to bid jobs that I'll no  
19 interest in bidding whatsoever.

20           The only thing I thought might be interesting to  
21 know about is what jobs are bidding where, but I can get  
22 that from the Daily Pacific Builder or the Sacramento  
23 Builder's Exchange. So I think you need to caution about  
24 what contractors are willing to go where.

25           I had a second point, but I've already forgotten

1 it, so my apologies.

2 MR. LOYER: So just real quick, The Daily Pacific  
3 Builder and what was the other one?

4 MR. LAWSON: The Daily Pacific Builder, which  
5 they list jobs to bid, public work jobs typically.  
6 Sacramento Regional Builder's Exchange, they have a plan  
7 review, you can go on there if you're a member and see  
8 what's available to bid there.

9 So it's kind of hard for me to want to know  
10 what's going on up in Humboldt County acceptance testing-  
11 wise, because I have no plans to go up there and bid a job  
12 just for that. I would do work in Humboldt County if it's  
13 the right job, but I'm not going to go there just to do  
14 acceptance testing.

15 MR. LOYER: Good point.

16 MR. MEYER: Tom Meyer, with the ESCO Group again.

17 Regarding what your point was, that you just  
18 made. That brings up an interesting point, because when  
19 employers -- one of the things that Joe Loyer and I were  
20 talking about is when employers identify in the registry  
21 for their availability, we were going to put in two  
22 columns. One was going to be, "Would you be willing to do  
23 the work and do the inspection?" And, "Would you be able  
24 to be just a third-party inspection?" You may want to go  
25 up there just to do a third-party inspection, because its

1 one day you might need some filler work. Who knows? So  
2 we're going to make a distinction.

3 Now, what you don't know is in the registry  
4 there's a whole bid acceptance process where when you  
5 identify, those are the only jobs that show up. You don't  
6 -- when you go into the registry as an employer you can  
7 modify your market area. So if you start getting junk  
8 mails from places you don't want to go then take a look at  
9 your registry information. And you can modify it, so you  
10 can curry it yourself, okay?

11 But I did I did want to remind you, Joe, that we  
12 had talked about the different between third-party and  
13 doing the work yourself. So we need to maybe make those  
14 adjustments.

15 MR. LOYER: Okay.

16 MR. MEYER: Oh, if you have questions  
17 specifically about what the registry's capable doing, I can  
18 get you with that. Ask me for a business card. It might  
19 solve a lot of your concerns for anybody in the room.

20 MR. LOYER: Okay. Yeah, you want to go ahead and  
21 -- yeah. Is there anybody else that would like to make a  
22 comment?

23 MR. LAWSON: Wait, I remember my second point.

24 MR. LOYER: Excellent.

25 MR. LAWSON: Frequently when -- I'm a larger

1 contractor, but I don't consider myself one, and frequently  
2 when you bid a job, you know, I might get awarded one out  
3 of every ten jobs I bid. So I might bid a job that has a  
4 requirement that I can't currently meet, for instance  
5 having a full-time safety person available for that job or  
6 a full-time quality control person for that job, something  
7 like that. But I'll bid the job, because I have what's  
8 called a 10 percent chance of getting it.

9           So if I'm going to bid a job in let's say the Bay  
10 Area, and I know that acceptance testing is going to be  
11 required, whether I can actually do that or not I will  
12 still bid the job. But I know that once I get the job I  
13 now have to step up and be able to perform that work.

14           So I don't know that having the acceptance  
15 technician on staff is really that important, but just  
16 being aware that I have to fulfill that requirement, I will  
17 not keep that -- I mean, keep that from me bidding on that  
18 job. That's all.

19           MR. LOYER: Thank you.

20           Would anybody else like to make a comment in the  
21 room? And would anybody online like to?

22           Yeah, sure. Go ahead.

23           MR. SMITH: My name is Steve Smith with Pacific  
24 Test and Balance.

25           Joe, a lot of the discussion that we had actually

1 on Friday, one of the things to reiterate, the whole  
2 process about having the enforcement and getting a date for  
3 it on this was something that somebody said to me that kind  
4 of shined a light on it for the previous Title 24  
5 documentation.

6 In 2012 I took a class that talked about the new  
7 Title 24 Regulations coming up. And I had a mechanical  
8 contractor in there say that they weren't too worried about  
9 it, because it took four years for the previous one to be  
10 enforced to them. And so they weren't too concerned about  
11 it.

12 So as such, when they made the comment about all  
13 the changes that were there their comment was just, "We'll  
14 just wait to see and once we start seeing it happen then we  
15 will purchase the equipment, we will get the training. We  
16 will then hire the people."

17 I agree so much with what's being said here is  
18 that if there isn't a date moving forward, as someone said,  
19 you don't make that date it won't happen. And if there's  
20 an area that doesn't have a contractor listed that's pretty  
21 simple. That means NEBB and NEMIC, all they have to do is  
22 look over and say, "Okay. There's a contractor in the  
23 county next door." If they knew there was a job coming  
24 down the pipeline they would just make a phone call over to  
25 them and say, "Is it possible that you would do a county

1 that's only right next door?" And they would sign up and  
2 say, "Yes."

3 So I don't think the county, the empty county  
4 area, would be a justifiable reason to not make it happen.  
5 Because if there is nothing in that county that's listed or  
6 a contractor is signed up now, that's mainly because  
7 there's probably so little work going on right there that  
8 no one's even thinking about it.

9 If there is suddenly a job there that needs to  
10 have somebody to do it, we're going to put a price on it  
11 and we're going to bid it. That's not an issue. You know,  
12 we will make it happen and we will go out of our way to  
13 make it happen if there is a fixed date and time there.

14 Look at these people right here that are  
15 involved. You made a date to make this happen, they made  
16 this. I'll tell you right now I drove my house in Castro  
17 Valley to Shasta and back here to make this.

18 You put a date, you put a time, this gentleman  
19 here that flew in from across country, there's people that  
20 have driven -- Duane's driven in here from the Bay Area  
21 too. There's a lot of us that have. You make that date.  
22 You enforce that date. These things will happen.

23 MR. LOYER: Okay. Thank you, Steve. I  
24 appreciate it.

25 Would anybody else like to make a comment? And

1 from Jerry Weiss online let's see, "Contractors will  
2 scramble to comply once a date, certain deadline is set."  
3 So thank you for that, Jerry.

4 Is there anybody else online that would like to  
5 make a comment?

6 Let's see, does anybody have the agenda in their  
7 hand real quick? I think there was a break time that was  
8 insinuated.

9 UNIDENTIFIED SPEAKER: (Off mic) 2:00 o'clock to  
10 2:15.

11 MR. LOYER: Oh, well that's long gone. So I  
12 think this was a good discussion and I'm glad we didn't  
13 stop for it.

14 Well, as long as there's no other comments let me  
15 just quickly go back to the slide show here. Actually, I'm  
16 going to need to close that real quick.

17 The Next Steps, basically what we're going to do  
18 is like we said we're going to actually take all these  
19 comments and we're going to consider them and we're going  
20 to see what we can do.

21 Bottom line, I think there's probably going to  
22 need to be another workshop. I wouldn't want to try and  
23 put together a staggered implementation without there being  
24 another workshop, but that's a decision that's a little bit  
25 above my pay grade to move forward.

1           I think this is worth consideration. And I hope  
2 that everybody here has signed up and left their email,  
3 because I probably am going to be contacting you for a  
4 little bit deeper information. That said, I would also  
5 absolutely like to remind you that several of you promised  
6 me case studies of the projects that you're working on to  
7 see what forms you filled out, what forms you should have  
8 filled out, but maybe didn't. That's fine too.

9           I would just like to have a good idea of how many  
10 forms you see on the jobs that you do. I was a bit shocked  
11 when we looked at one residence, one, that had over 100  
12 forms -- a hundred forms -- on it. I had no idea it would  
13 get to that level.

14           I've seen others that were full build-outs on  
15 residential that were thousands. So I have -- from that I  
16 know that I don't know how many forms are filled out on  
17 these jobs, so I would like to know. And I would like to  
18 know from the people that are actually out there filling  
19 out these forms and doing them for each of these projects.

20           This is why a lot of you guys drive trucks,  
21 right? You actually cart around the forms. (Laughter.)

22           MR. SMITH: Well, Friday we had to give a perfect  
23 example, and that was a school. That was one of the  
24 concerns I had that's coming up in particular. A lot of  
25 schools, if you go in and you turn it, you replace -- by

1 the way, sorry, Steve Smith again. If you go into a  
2 school, and we have a simple package unit that's got four  
3 registers and such, a lot of times there's a requirement of  
4 about five forms that have to be done. So you can estimate  
5 as simply as five hours per form just to -- I mean, five  
6 hours per room.

7 If we don't have this date in place, and like I  
8 mentioned to you the other day, if the county is not  
9 expecting to do all the Title 24, we complete the job, we  
10 come into the complete issue on the job. And you throw the  
11 switch the day before and don't give anybody a heads up  
12 notice, and suddenly we have to go through these 20 rooms,  
13 these 20 package units, and do 5 forms each. And so you've  
14 got 20 rooms times 5, you've got 100, right?

15 And we were talking about how much are the forms  
16 going to cost? Let's throw a rough number in there, it's  
17 \$75 apiece. Do the math. How would we like to go back and  
18 get a change order from the County or the City to tell them  
19 that this was not in the process when the job was bid, they  
20 didn't have the enforcement, and now the State is enforcing  
21 it?

22 So this is where again the date is important.  
23 The cost of the forms is going to be a sticker shock to a  
24 lot of the contractors that we're bidding to right now, and  
25 the people that are out there. We have to get this stuff

1 out there and start notifying them this is coming down the  
2 pipeline, because right now there's a lot of people that  
3 are not estimating these costs in their jobs.

4 MR. LOYER: I agree.

5 MR. WALKER: Not just the forms, but the new  
6 hours in their bids.

7 MR. SMITH: And you mentioned about the new  
8 hours, yes you do have new hours. I will tell you right  
9 now, right now I can't say the exact percentage that we're  
10 doing, but a lot of the hours we are doing -- a percentage  
11 of our hours are doing Title 24 forms. I can't say how  
12 much is coming out of the Tab Department or the Sheet Metal  
13 and the Startup. But I can tell you that we are doing them  
14 now, so some of our hours right now are regarding Title 24.

15 MR. LOYER: I'm glad to hear it, Steve.

16 MR. SMITH: Yeah. So (indiscernible)

17 MR. LOYER: Yeah?

18 MS. RYMAN: I'm Amber Ryman with NEBB.

19 I wanted to comment on the forms as well. As a  
20 large mechanical contractor in the Bay Area, I have -- I  
21 know there's a big question on how many forms, you know, we  
22 do do and what forms we are doing. So I started kind of  
23 tracking them to get an idea. All the Bay Area projects  
24 come through my desk for an initial review before it goes  
25 out to the field. And at that point I decided I was going

1 to start looking at that.

2 In one month's span, or about seven weeks  
3 actually, my firm logged 1,100 forms. Now, out of those  
4 1,100 not all of them were correct. There were a lot that  
5 were not applicable and will come back and be sent out to  
6 the inspectors as N/A. But they will get their form and  
7 they will be able to continue on with the project.

8 And that goes on to how Mr. Davies had mentioned  
9 earlier -- you know you've been doing this for 38 years --  
10 I haven't been doing it as long, however I have been for 19  
11 years. And in that time, things have changed. You know,  
12 inspectors originally never would even be asked for these  
13 forms, but we are at a point where now at least there is on  
14 the Bay Area projects a final inspector asking for those  
15 forms to be given to him, so he can walk away and say he  
16 got them.

17 What he does with them at that point, we have no  
18 clue and don't care. But if his next step is now to know  
19 that there's a logo on it that he needs to look for or  
20 whatnot at least there has been some change in the last few  
21 years in that aspect. So that says that they can hopefully  
22 be trained in the right direction if that training is  
23 available.

24 But I will definitely participate in giving you  
25 whatever information on the forms in the future, but those

1 are just soft numbers that I put together in the last  
2 month.

3 MR. LOYER: Thank you.

4 Okay. Is there anybody else who would like to  
5 make a comment in the room?

6 All right, we will check online here real quick.  
7 Let's see, there it is. Okay, from Jerry. "Amber, are you  
8 including the compliance forms within the 1,100 forms?"

9 So I just want to -- I was thinking about asking  
10 that clarification as well. So there are basically the  
11 non-res compliance forms. There are the non-res  
12 installation forms and the non-res acceptance test forms.  
13 So is that all of them or --

14 MS. RYMAN: No, those are just the 1-E and the  
15 acceptance forms.

16 So the other thing I did notice throughout those  
17 forms are it's -- I was keeping track of how many 2s, how  
18 many 3s, how many 5s, and the big percentage is the 2,3, 5,  
19 6 and 7; 8 and 9 are usually marked off incorrectly. You  
20 know, that's a system test, they are usually just marked  
21 off for a pump, that type of stuff.

22 So you have the tests that are outside of those  
23 first initial ones, those are not necessarily -- those are  
24 the key ones. Especially if we're going to be doing a  
25 staggered type hard date, you can potentially even do

1 staggered with these forms only in those counties, because  
2 as also --

3 MR. LOYER: This keeps getting better.

4 MS. RYMAN: -- a large mechanical firm, who this  
5 is our first year we're doing a thermal storage project,  
6 where I don't have somebody who has three years experience.  
7 So I wouldn't even be able to provide somebody with the  
8 training for that at this point. And that makes a big  
9 difference, because if thermal storage is not necessarily  
10 -- if that's going to be our holdup on getting everything  
11 done, because there's so limited work going on that could  
12 be potentially a problem. So that needs to be considered  
13 as well.

14 MR. LOYER: So that would actually be some good  
15 information to have as well, is if just from your  
16 perspectives what forms are you seeing the majority of,  
17 have you ever seen a thermal storage project come through  
18 your house? That'd be great to know. Primarily, I'd just  
19 like to know what forms are the most important to you.

20 I don't want to -- you know, I have a pretty good  
21 idea of what they are. However, I don't want to miss one  
22 in particular. So if there's just after that callout for  
23 information, if you have any other sources of information  
24 that you think would be useful for me to put together a  
25 good argument to move forward with this idea of doing a

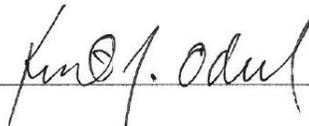


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Kent Odell  
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