

DOCKETED

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| Project Title: | Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802 |
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Comment Received From: Randy J. Walsh

Submitted On: 3/17/2016

Docket Number: 15-OIR-05

Randy J. Walsh Comments: Request Indefinite Postponement of Staff Workshop, Illegitimate and Credibility Lacking Process (Second Submission)

Selected a few more List Serve mailing lists.

Additional submitted attachment is included below.

Thursday, Marcy 17, 2016

The Honorable Jerry Brown
Governor, State of California
c/o State Capital, Suite 1173
Sacramento, California 95814

Via: Facsimile: 916.558.3160

Re: Request Indefinite Postponement of CEC Staff Workshop Scheduled for Friday, March 26, 2016:
Staff Workshop, Initial Proposal to Implement the Building Energy Use Data Access and Public
Disclosure Provisions of AB 802

Dear Governor Brown:

I am writing to you today to express my very strong opposition to the above referenced workshop and request that you immediately intercede and postpone this meeting or any other efforts by the California Energy Commission to bring to market any energy use disclosure program.

My continued research into the repeal of AB 1103, including conversation with key legislative personnel, is turning up some alarming conclusions that renders the process by which: AB 1103 was repealed; any State-wide energy use disclosure programming was postponed for 12 months; and, an entirely new energy use disclosure program was announced effective January 2017, to be illegitimate and lacking credibility.

Several of these sources have confirmed the assumptions I outlined in a recent correspondence to Chairman Weisenmiller – and some suspicions I had not yet publically articulated - including:

- Delivery of clear ultimatums from the Governor's office about the unlikelihood of AB 802 passing without the addition of energy use disclosure programming language.
- Interference of Commissioner McAllister in the legislative process, to the degree that he has been mentioned by name several times by people involved in the process of repeal as leading the charge, but which he has consistently denied in public settings.
- A rush to prepare and submit revised bill language repealing AB 1103, that left many technical, programmatic and legal questions posed by our elected officials unanswered – and that remain unanswered to this day.
- The subversion of an active public comment and engagement process taking place to improve and refine AB 1103, by instead orchestrating an intentional campaign of ally building that excluded key stakeholders – including the small business that felt, and continue to feel, immediate economic hardships as a result of the repeal of AB 1103.

Thursday, Marcy 17, 2016
The Honorable Jerry Brown
Governor, State of California
Page 2 of 3, Continued

- The complete lack of documented and corroborated facts and analysis to support the repeal of AB 1103, to support satisfactory resolution of the existing data collection and confidentiality issues raised by any energy use disclosure programming, the receptiveness of the marketplace to a new and mandatory disclosure program without the benefit of participating in the design of the program, or to justify the additional programmatic power and discretion given to the California Energy Commission related to energy use disclosure programming.

I am reaching out to you today to ask for your immediate intercession in halting any further discussion, negotiation, planning or communication by anyone within your administration or within the California Energy Commission related to commercial building energy use disclosure programming that is not based on strong research, solid analysis and accurate facts and which does not include representation by small-business owners with direct and valuable field experience in generating and providing AB 1103 disclosure documents.

Additionally, I repeat my requests outlined in correspondence dated November 12, 2015 addressed to Chairman of the California Energy Commission, Robert B. Weisenmiller, Ph.D.:

“As a citizen, a taxpayer, a utility ratepayer, a small business owner and a key stakeholder for many years in the development and implementation of the state-wide commercial building energy use disclosure program, I submit the following comments in order to: put forth my complete opposition to the repeal of AB 1103; register my grave concern about the appropriateness of recent actions and decisions by Commissioner McAllister on behalf of the California Energy Commission resulting in repeal of AB 1103 and causing immediate economic hardship to a number of small business owners across the State of California; express my vote of “no-confidence” in the ability of the California Energy Commission to effectively manage any longer our collective resources in bringing to market a viable commercial building energy use disclosure program; and, finally, request the immediate defunding and dismantling of any internal organizational structures devoted to the energy use disclosure programming and the immediate resignation of Commissioner McAllister.”

Thursday, Marcy 17, 2016
The Honorable Jerry Brown
Governor, State of California
Page 3 of 3, Concluded

Thank you for your prompt response to this correspondence and attention to this request. I remain available to answer any questions or discuss these matters further with anyone in your office. Please advise of your position on this matter and the actions under consideration.

Sincerely,



Randy, J. Walsh
San Diego Energy Desk

Copy: Chairman Weisenmiller, CEC
Commission McAllister, CEC
Ms. Martha Guzman-Aceves, Office of the Governor, Deputy Legislative Secretary
Assemblymember Das Williams

California Energy Commission, Docket #15-OIR-05. Project Title: Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802