

DOCKETED

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POLITICO GROUP

March 21, 2016

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 16-BSTD-01
1516 Ninth Street
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Re: Docket No. 16-BSTD-01

Dear Commissioners and Commission Staff:

On behalf of the California Chapters of the National Electrical Contractors Association (NECA) we respectfully submit the following comments in opposition to allowing the 2016 Title 24, Part 6, revisions to Section 141.0, related to lighting alterations, to go into effect as an additional compliance path for the 2013 Code, prior to the January 1, 2017 effective date of the 2016 Building Energy Efficiency Standards. NECA represents over a 1,000 contractors who hire over 30,000 electricians in California to install lighting systems throughout the State.

The additional compliance path being proposed for the 2013 Code fails to meet the California Energy Commission (CEC) standards for adoption as an additional compliance path. Public Resources Code section 25402.1 and Title 24, Part 1, Section 10-109 authorize the Commission to approve an additional compliance path if; 1) the path does not delete or amend any part of the existing requirements; and, 2) it does not result in increased energy consumption, when compared to existing requirements for affected buildings. This proposal fails to meet either of those standards.

First, as part of the 2016 Title 24 code update, the CEC approved an amendment to the California Energy Code that exempted non-residential lighting alteration or modification projects from the requirement to install advanced lighting controls (i.e. multi-level controls, daylighting controls and automated demand response controls) if the alteration or modification reduced the lighting system's overall power consumption of 50% for retail, commercial or office occupancies, or 35% for all other occupancies (the "35/50% compliance pathway"). This new alternative compliance pathway essentially exempts lighting alterations from otherwise applicable control and lighting power density (LPD) requirements if the altered or modified luminaries collectively have at least 35% or 50% power reduction (based on the occupancy type) than the existing luminaries.

Under the 2013 Code, lighting alterations must meet maximum LPD requirements and require the installation of the applicable automatic shutoff, area, multi-level, daylighting and demand response controls. Acceptance testing is required for these controls. The 2013 Code does provide a few exemptions from these requirements for lighting alterations that do not change the area of the enclosed space, do not change the space occupancy type **and** do not increase the lighting power in the enclosed space. Alterations that meet these three requirements are exempt from energy efficiency requirements if they alter less than 10% of the existing

luminaries in an enclosed space; or, if they exceed 10% of the existing luminaries, are exempt from the requirement to install multi-level, daylighting and demand response controls if they maintain an LPD of 85% or less ("85% LPD pathway") of the maximum allowed for the functional area. Alterations and modifications under the 85% LPD pathway must still install all applicable area controls and automatic shutoff controls and require the installation of two-step lighting controls in place of multi-level controls.

The 35/50% compliance pathway deletes a number of requirements that are currently required under the 2013 or 2016 85% LPD pathway. For example:

1. The 35/50% compliance pathway does not require the installation of the two-step lighting controls that are required under the 85% LPD pathway if multi-level controls are not installed.
2. Alterations under the 35/50% compliance pathway are not required to comply with maximum LPD allowance requirements.
3. The 35/50% compliance pathway does not require certain shut-off controls for hallways, stairwells, hotel rooms or display cases that are required for all alterations under the 2013 code.

Second, no effective methods for verification that an alteration has met the 35/50% power reduction requirements have been identified or adopted by the Commission or local jurisdictions. This new 35/50% compliance pathway raises concerns over enforcement due to its reliance on a comparison with existing conditions that do not fit within current building code enforcements schemes. That is, under the current system inspectors verify that the final product meets the code. In addition, the 35/50% compliance pathway creates inherent enforcement and verification difficulties which is likely to result in widespread fraud and lost energy savings unless reliable verification requirements are imposed. By creating a code requirement that relies on verification of existing conditions, the Commission has created an enforcement gap that is ripe for fraud. As a result, early adoption of 2016 Lighting Alterations Standards as an additional compliance path will likely result in actual energy savings that are significantly lower than would be achieved under the 2013 Code.

In conclusion, we feel that the additional compliance path being proposed for the 2013 Code fails to meet the CEC standards for adoption and should be rejected. Thank you for the opportunity to comment on this proposal.

Kindest regards,



Eddie Bernacchi
Legislative & Regulatory Advocate