

DOCKETED

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Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
TN #:	210858
Document Title:	Presentation - Initial Staff Proposal to Implement Building Energy Use Data Access and Public Disclosure Provisions of AB 802
Description:	March 25, 2016 AB 802 Benchmarking Staff Workshop
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CALIFORNIA ENERGY COMMISSION

Initial Staff Proposal to Implement Building Energy Use Data Access and Public Disclosure Provisions of AB 802

March 25, 2016

California Energy Commission



Housekeeping

- Emergency Exits
- Restrooms
- Snack Bar
- Webex and Telephone protocol



Agenda

Bill Overview	9:20 AM
Key Themes from Scoping Workshop	9:35 AM
Section 1 - Definitions	9:50 AM
Section 2 - Data Access	10:50 AM
Break	11:50 AM
Section 3 - Public Benchmarking	1:20 PM
Section 4 - Violations and Enforcement	2:20 PM
Anticipated Data Flow	2:35 PM
Open Comment Period	3:00 PM



Assembly Bill 802 Overview



Summary of Statute Requirements

- Utilities provide energy usage data to a building owner, owner's agent, or operator on request.
- Energy Commission create a program to benchmark and publicly disclose energy usage information for certain buildings.



Approximate Building and Property Counts, California

Commercial

Buildings	287,213
Covered Buildings	287,213
Buildings with 2+ tenants and 50,000+ sf rentable area	6,952

CoStar, March 22, 2016

Multi-Family

Properties with 2+ units	125,940
Properties with 5+ units	106,519
Properties with 17+ units and 50,000+ sf	11,110

CoStar, March 22, 2016

In Portfolio Manager

Buildings	36,519
Buildings 50,000+ sf	11,110

U.S. EPA, March 2, 2016



Tentative Program Timeline

Jan. 1, 2016

▶ **Utilities begin to maintain records**

*Apr. 1, 2018**

▶ *Commercial reporting begins*

*Jul. 1, 2020**

▶ *Multi-family data publicly disclosed*

*Apr. 1, 2017**

▶ *Regulations in effect*

*Jul. 1, 2019**

▶ *Commercial data publicly disclosed*

Jan. 1, 2017

▶ **Utilities begin to provide data upon request**

*Apr. 1, 2019**

▶ *Multi-family reporting begins*

Bold: Statutory requirements

** Tentative projections*



Thank you for your responses

Key Themes and Goals:

- Define “building.”
 - Provide guidance for meter mapping.
 - Don’t require utilities to verify building ownership.
 - Standardize fields for requesting data.
 - Include building owners in the benchmarking process.
 - Simplify the reporting process.
 - Phase program implementation.
 - Provide post-reporting outreach.



Initial Staff Proposal



Section 1. Definitions

From Statute:

Benchmark – To obtain information on the energy use in an entire building for a specific period to enable that usage to be tracked or compared against other buildings.

Covered Building – Either or both of the following:

1. Any building receiving energy from a utility,* with no residential utility accounts.
2. Any building with five or more active utility accounts of any one energy type,* residential or nonresidential.

* Proposed clarification to statutory definition.



Section 1. Definitions (Continued)

From Statute:

Energy – Electricity, natural gas, steam, or fuel oil sold by a utility to a customer for end uses addressed by the ENERGY STAR Portfolio Manager system.

ENERGY STAR Portfolio Manager – The tool developed and maintained by the United States Environmental Protection Agency to track and assess the energy performance of buildings.



Section 1. Definitions (Continued)

Building – Any structure used or intended for supporting or sheltering any use or occupancy. Two or more buildings on the same parcel, campus, or site, that are served by one common energy meter without sub-metering, such that their energy use cannot be tracked individually, shall be considered one building.

Building identification number – A number unique across California utilities assigned to each covered building.



Section 1. Definitions (Continued)

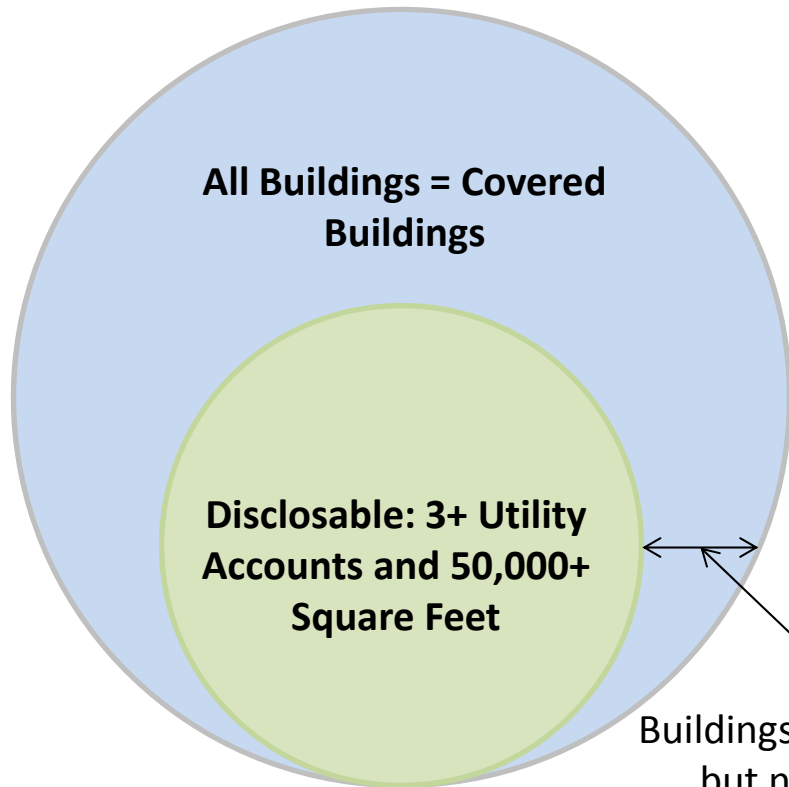
Disclosable Building – Either of the following, when used for any occupancy type defined by ENERGY STAR Portfolio Manager:

1. A covered building with 3 or more utility accounts, no residential utility accounts, and more than 50,000 square feet of gross floor area.
2. A covered building with 17 or more utility accounts and more than 50,000 square feet of gross floor area.

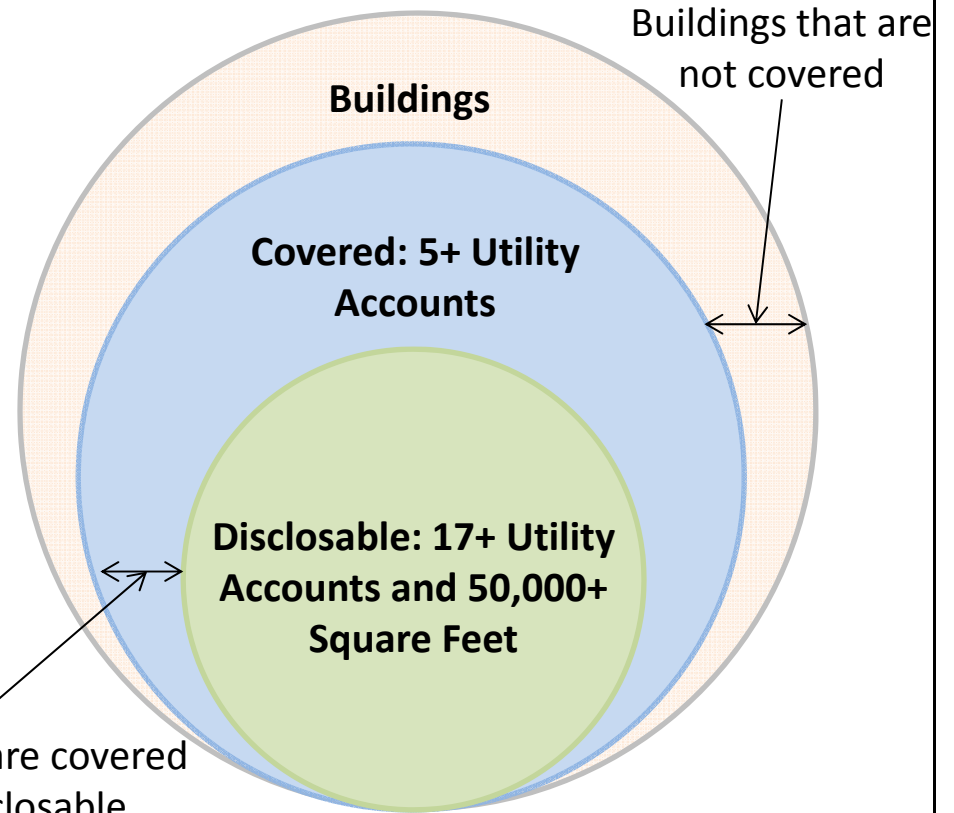


Covered and Disclosable Buildings

Buildings With No Residential Utility Accounts



Buildings With One or More Residential Utility Accounts





Section 1. Definitions (Continued)

Utility – An entity providing energy to a building. Energy aggregators that do not directly bill an individual customer are not considered utilities for this program.

Utility Account – An agreement between a utility and its customer to provide energy to a pre-determined location.



Discussion on Section 1. Definitions

- In room
- WebEx
- Phone



Section 2. Data Access

DATA REQUEST

The owner, agent, or operator of a covered building may submit a written or electronic request for energy use data from each utility serving a covered building by providing the building address.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: PROVISION OF INFORMATION

- (1) Utilities with an annual demand exceeding 700 gigawatt hours of electricity or 30 billion cubic feet of natural gas, as determined on a three-year average commencing January 1, 2013, are required to implement automated data exchange with ENERGY STAR Portfolio Manager by August 1, 2017.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: PROVISION OF INFORMATION

- (2) Utilities shall deliver the meter numbers, customer names, number of utility accounts, and building ID through the method of the building owner's, owner's agent's, or operator's choice.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: PROVISION OF INFORMATION

- (3) Utilities using automated data exchange shall deliver the energy use data directly into the building owner's, owner's agent's, or operator's ENERGY STAR Portfolio Manager account, unless otherwise specified by the building owner, owner's agent, or operator. Utilities not using automated data exchange shall provide energy use data in the spreadsheet template provided by Portfolio Manager, unless otherwise specified by the building owner, owner's agent, or operator.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: PROVISION OF INFORMATION

(4) For each energy type, the information delivered by a utility shall include:

- A. The meter number for each meter serving the building.
- B. The name of each utility customer associated with the building.
- C. The total number of utility accounts serving the building.
- D. The building identification number.
- E. The energy delivered to the building by the utility by energy type for the 12 calendar months prior to the date of request, aggregated for each calendar month.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: PROVISION OF INFORMATION

(5) A utility may require that a request be accompanied by information that verifies with reasonable certainty that the person submitting the request is the building owner or is authorized to act on behalf of the building owner.

Following should be sufficient:

- A copy of the deed, an active executed lease, or a recent mortgage statement.
- Documentation showing that the person submitting the request is authorized to act on behalf of the person whose name is on any of the above documents.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: PROVISION OF INFORMATION

- (6) A utility shall provide the information required by these regulations within four weeks of receiving a valid request.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: CUSTOMER PERMISSION

- (7) If a utility receives a request for energy use data for a building that has no residential utility accounts and fewer than three utility accounts of each energy type serving the building, the utility may require customer permission before providing the information. Either of the following shall confirm customer permission:



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: Provision of Information

- (A) An executed lease or supplemental agreement in which a customer consents to sharing his/her energy use data with the building owner, owner's agent, or operator.



Section 2. Data Access (Continued)

UTILITY REQUIREMENTS: Provision of Information

(B) In the absence of such an agreement, the utility shall notify the customer within seven calendar days of receiving a data request that the customer's energy use data will be shared with the building owner (and Energy Commission, if applicable).

No customer response to this notification within fourteen calendar days shall constitute permission to share the data.

The utility shall not require the building owner, owner's agent, or operator to contact the customer on the utility's behalf.



Discussion on Section 2. Data Access

- In room
- WebEx
- Phone



Section 3. Public Disclosure

COMPLIANCE WITH A LOCAL ORDINANCE

A building owner, owner's agent, or operator who has complied with a local building energy use benchmarking program listed on the Energy Commission website has fulfilled the requirements of this program.



Section 3. Public Disclosure (Continued)

SCHEDULE

Owners, owners' agents, or operators of disclosable buildings shall disclose benchmarking data to the Energy Commission on the following schedule:

- 1) Buildings with no residential utility accounts: 2018 and annually thereafter.
- 2) All other disclosable buildings: 2019 and annually thereafter.



Section 3. Public Disclosure (Continued)

BENCHMARKING AND REPORTING DISCLOSABLE BUILDINGS

The building owner, owner's agent, or operator of a disclosable building shall do the following:

- 1) Open a Portfolio Manager account.
- 2) Enter the building into Portfolio Manager.
- 3) As needed, complete or update all required fields for the building within Portfolio Manager.



Section 3. Public Disclosure (Continued)

- 4) By February 1 of the first reporting year, and by each February 1 thereafter, request energy use data for the building.
- 5) Confirm that the requested data has been received in the Portfolio Manager account.



Section 3. Public Disclosure (Continued)

- 6) By April 1 of the first reporting year, and by each April 1 thereafter, on the Energy Commission benchmarking website, select the Portfolio Manager benchmarking reporting link, log into Portfolio Manager, and submit the data entered within Portfolio Manager for all disclosable buildings.



Section 3. Public Disclosure (Continued)

VERIFICATION OF SUBMITTED INFORMATION AND DEVELOPMENT OF STANDARDIZED METRICS

- 1) For disclosable buildings, the utility shall deliver to the Energy Commission the same information delivered to the building owner, owner's agent, or operator at the same time as it is delivered to the building owner, owner's agent, or operator.



Section 3. Public Disclosure (Continued)

- 2) The Energy Commission will use the data received from utilities to verify information reported by building owners, owner's agents, or operators. The Energy Commission will also generate standardized metrics not deliverable through Portfolio Manager to help drive investment decisions for energy efficiency.



Section 3. Public Disclosure (Continued)

PUBLIC DISCLOSURE

- 1) For each disclosable building, no information will be made public in the first reporting year. In the second and future reporting years, the Energy Commission may make available on a public website the following information for all disclosable buildings:



Section 3. Public Disclosure (Continued)

- A. Building Identification Number
- B. Building Address
- C. County
- D. Year Built
- E. Building Floor Area
- F. Latitude
- G. Longitude
- H. Operating Hours
- I. Property Name
- J. Energy Star Score, for Eligible Buildings
- K. Monthly and/or Annual Weather-Normalized Site and/or Source Energy Use Intensity
- L. Monthly and/or Annual Site and/or Source Energy Use Intensity Normalized for Weather and Operating Hours
- M. Primary Property Type - EPA Calculated



Section 3. Public Disclosure (Continued)

- N. Primary Property Type - Self Selected
- O. Property Floor Area (Buildings and Parking)
- P. Open "Comments" Field for Owners/Managers to Provide Information
- Q. Portfolio Manager Property ID
- S. National Average Score or Other Metric for Property Type
- T. State Average Score or Other Metric for Property Type
- U. Occupancy



Section 3. Public Disclosure (Continued)

EXEMPTIONS

A building meeting any of the following conditions is exempt from the reporting requirements of this program:

- 1) The building has not yet had a complete calendar year of utility service.
- 2) The building is scheduled to be demolished one year or less from the reporting date.
- 3) The building is covered by a local building energy use benchmarking program listed on the Energy Commission website.



Discussion on Section 3. Public Disclosure

- In room
- WebEx
- Phone



Section 4. VIOLATIONS AND ENFORCEMENT

The Energy Commission may enforce any of the following violations through the measures identified in Public Resources Code Section 25321:

VIOLATIONS BY A BUILDING OWNER, OWNER'S AGENT, OR OPERATOR

- 1) Failure to complete the submission as required by these regulations.
- 2) Failure to share all information required by these regulations.
- 3) Intentionally sharing incorrect data with the Energy Commission.



Section 4. VIOLATIONS AND ENFORCEMENT (Continued)

VIOLATIONS BY A UTILITY

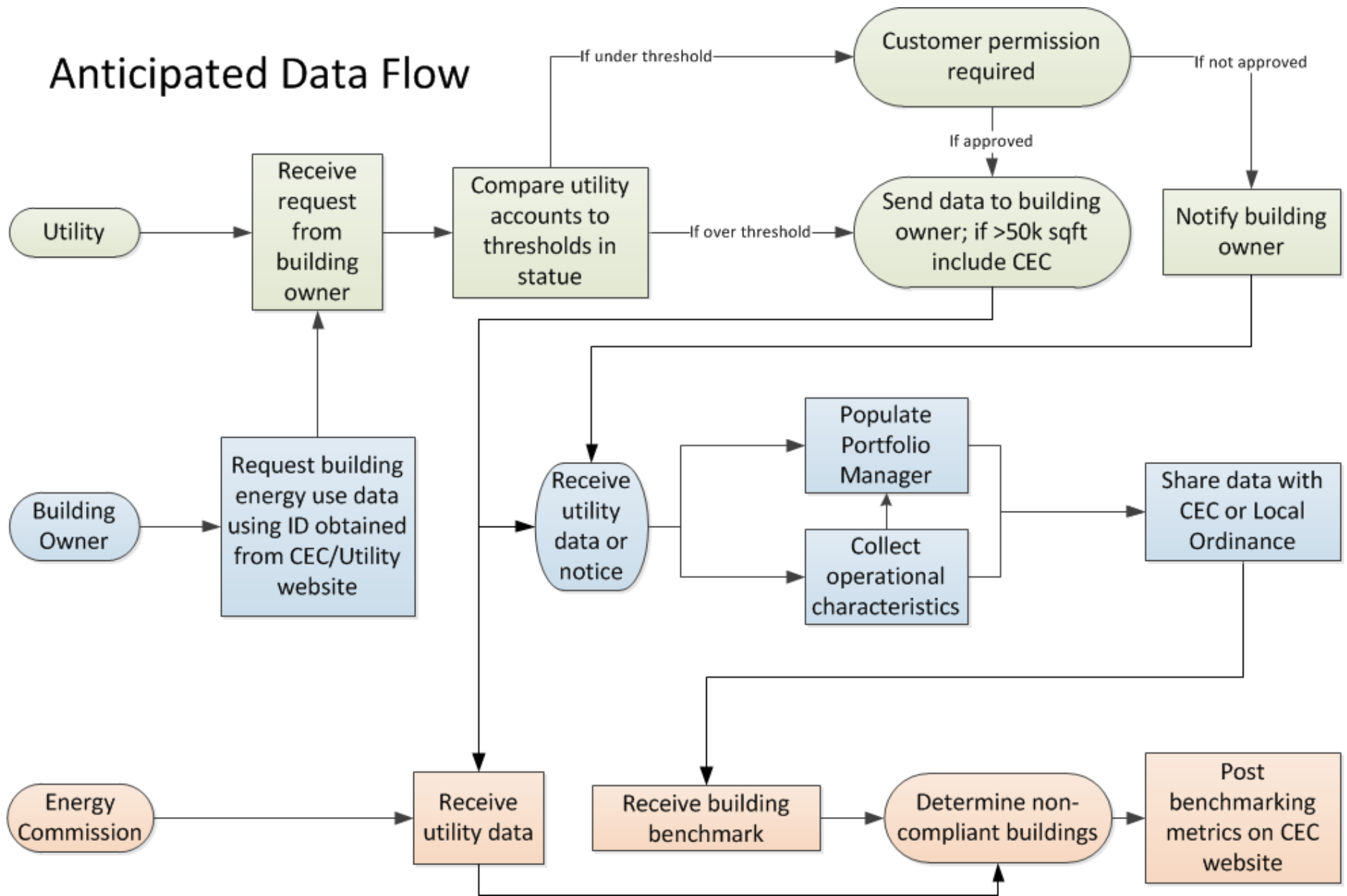
- 1) Failure to provide the requested information within four weeks of a valid request.
- 2) Intentionally sharing incorrect data.



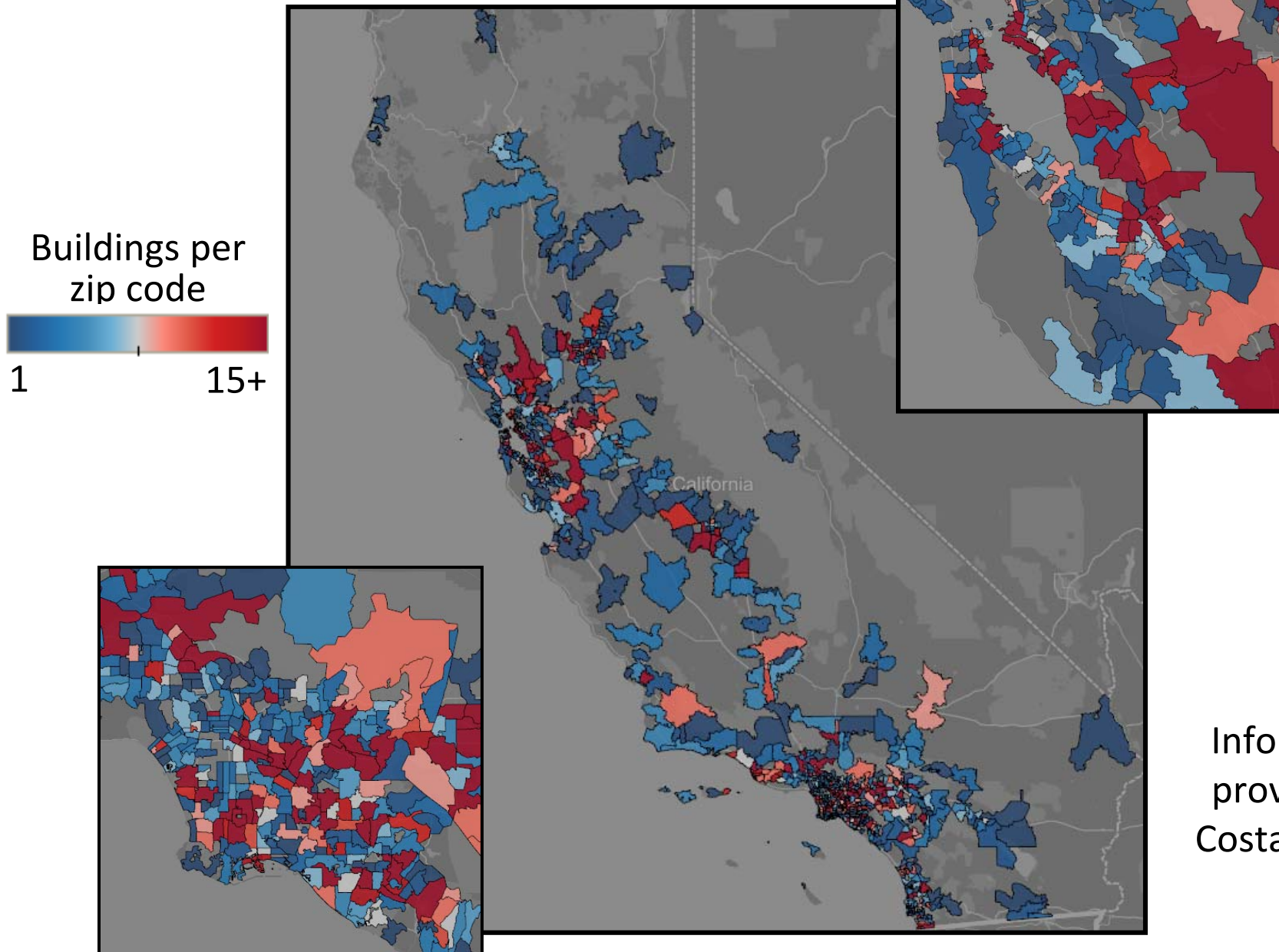
Discussion on Section 4. Violations and Enforcement

- In room
- WebEx
- Phone

Anticipated Data Flow

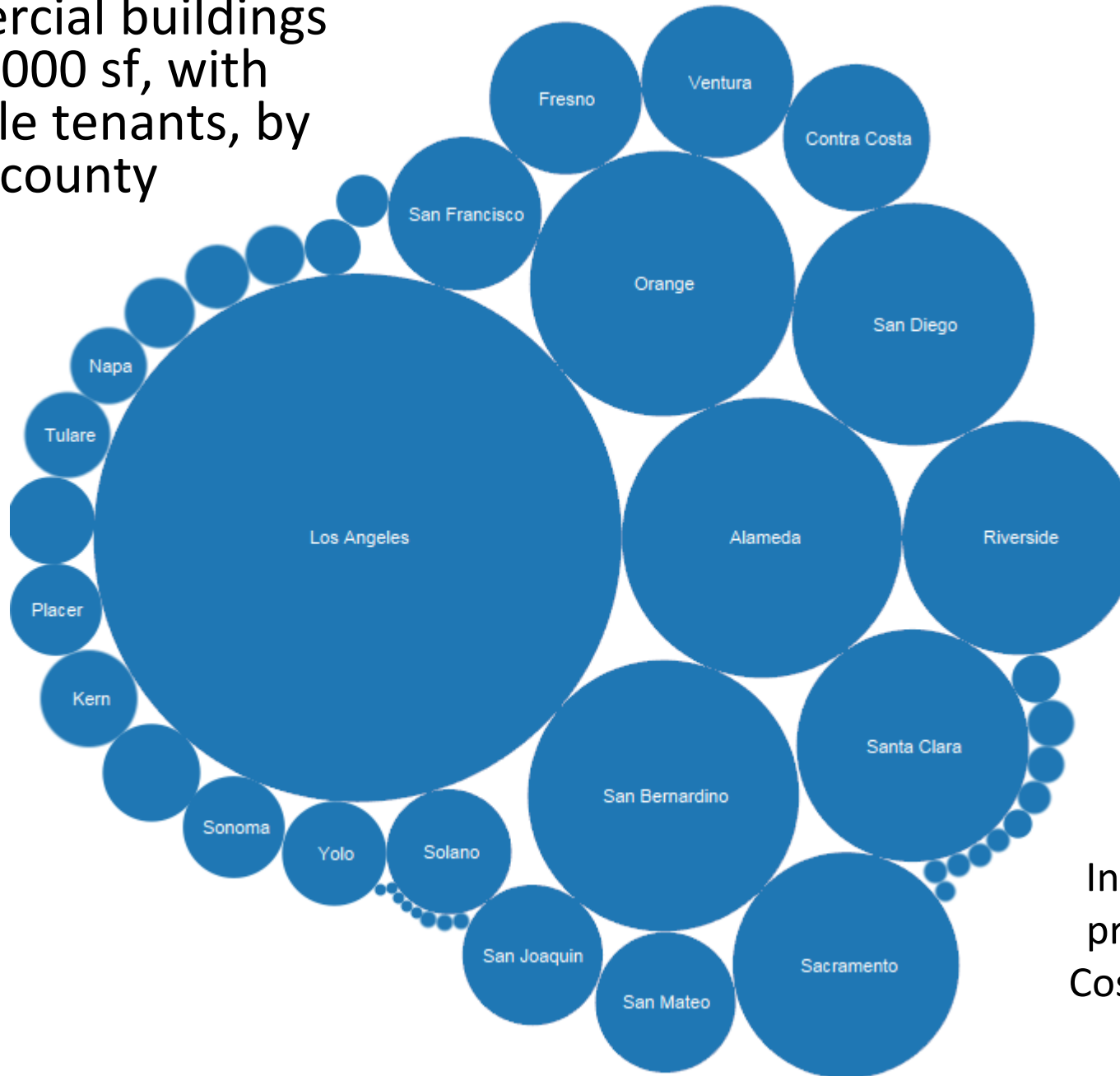


Commercial buildings > 50,000 sf, with multiple tenants, by zip code



Information
provided by
Costar Realty,
Inc.

Commercial buildings > 50,000 sf, with multiple tenants, by county



Information
provided by
Costar Realty,
Inc.



Discussion on Anticipated Data Flow and Building Concentration

- In room
- WebEx
- Phone



Open Comment Period

Written comments for Docket No. 15-OIR-05 are due by Friday, April 8, 2016.

Go to www.energy.ca.gov/benchmarking and click “Submit e-Comment on 15-OIR-05”

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