

## DOCKETED

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<b>Project Title:</b>	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
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*Comment Received From: Jennifer Svec*

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**C.A.R. Comment Letter: Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802 Workshop**

*Additional submitted attachment is included below.*



CALIFORNIA ASSOCIATION OF REALTORS®

April 15, 2016

California Energy Commission  
Dockets Office MS-4  
RE: Docket No. 15-OIR-05  
1516 Ninth Street  
Sacramento, CA 95814-5512

**RE: Building Energy Use Disclosure and Public Benchmarking Program – March 25, 2016 AB 802 Benchmarking Staff Workshop**

Dear Commissioners:

Thank you for the opportunity to provide comments on the AB 802 Benchmarking Staff Workshop. The CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.) seeks to be a valuable contributor in the development of these regulations and policies. Having been an important stakeholder in the AB 802 negotiations, C.A.R. believes that the CA Energy Commission (CEC) has deviated greatly from the intent of AB 802 and is opposed to several proposed sections in the AB 802 Workshop.

**Duplicative Data Submission Violates Existing Statute**

Requiring building owners to input and submit data to the CEC is duplicative and violates Public Resource Code Section 25320(B) which states "Eliminate unneeded and duplicative data submittals from stakeholders". Existing statute requires utilities to submit data to the CEC, fulfilling the statutory requirement of Public Resources Code Section 25320(b)(2). Requiring building owners, or their agents, who are not experts in energy usage data, to submit a separate report would increase the likelihood of incorrect information being submitted, exposing building owners or their agents to fines from the CEC and lawsuits from tenants.

**Building Owners Should Not Be Subject To Fines**

C.A.R. opposes any implication that building owners or their agents could be held responsible for incorrect or incomplete data submitted to the CEC. C.A.R. disagrees with the CEC premise that building owners should be required to report energy use data, as cited above. C.A.R. also believes that the intent of the statute was to fine utilities that do not cooperate with energy sharing data, not building owners. As chaptered, AB 802 clearly states "The commission may ensure timely and accurate compliance with the data submission requirements of this section by using the enforcement measures identified in Section 25321. An owner of a covered building, or its agents or operators, shall not be liable for any noncompliance due to the failure of a utility to provide the information required for compliance."

**Tenant Permission Is Unnecessary and Has Been Addressed in Prior Proceedings**

C.A.R. believes that requiring permission from tenants, even for buildings with fewer than three utility accounts is unnecessary. The CEC solved this issue during the AB 1103 proceedings by requiring utilities to create a Virtual Meter, which is a more appropriate model for buildings with fewer than three utility accounts.

The CALIFORNIA ASSOCIATION OF REALTORS® looks forward to an ongoing collaboration with the California Energy Commission, its staff and all interested parties as they seek to develop regulations for AB 802.

Sincerely,

  
Jennifer Svec  
Legislative Advocate  
California Association of REALTORS®



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