

DOCKETED

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On Prop 39 Guideline Changes

Additional submitted attachment is included below.

From: Rick Brown <rick.brown@tvrpllc.com>
Sent: Monday, May 09, 2016 2:50 PM
To: Energy - Docket Optical System
Cc: Angulo, Armand@Energy; Bucaneg, Haile@Energy; Shirakh, Elizabeth@Energy
Subject: Prop 39 Guideline Changes

Importance: High

To whom it may concern,
Per the recent proposed Guidelines, we would like to suggest the following changes to the Prop 39 Guidelines:

"Alternative HVAC Cost Effectiveness Methodology for Small or Economically Disadvantaged Districts"

Small or economically disadvantaged districts who need to replace old HVAC systems with new higher-efficiency equipment, shall be allowed to qualify these measures for Proposition 39 funding by demonstrating that replacement of these systems will result in costs savings of at least 5%. "Small" to be defined as Districts with an ADA of 1,000 or less. "Economically disadvantaged" to be defined as districts either having a Title I population (i.e., Free and Reduced Lunch Program eligible population) of 50% or greater, or, districts who's County Office of Education Certification financial status is either "qualified" or "negative".

FYI, from the CDE website: "A qualified certification is assigned when the district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year."

We looked at the public resources code to see if this change requires legislative action, or whether this can be accomplished through a change in the Guidelines.

"Public Resources Code Section 26206(c) states, "All projects shall be cost effective: total benefits shall be greater than project costs over time." Section 26235(a)(3)(D) states the Energy Commission shall establish guidelines for "methodologies for cost-effectiveness determination."

In other words, the legislation doesn't prescribe how cost-effectiveness is determined, it delegates to the CEC establishing the methodology for determining cost effectiveness. Thus it appears that the CEC can make this change through a revision of the Guidelines.

Rick Brown, PhD, President

TerraVerde Renewable Partners

1100 Larkspur Landing Circle, Suite 155

Larkspur, CA 94939

1-707-953-2885

Rick.Brown@TVRPLLC.COM

Skype Address: Rick.BrownTVRP

<http://www.tvrpllc.com/>



