

## DOCKETED

<b>Docket Number:</b>	15-OIR-05
<b>Project Title:</b>	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
<b>TN #:</b>	212353
<b>Document Title:</b>	Support for AB 802 Regs/Reformation of Benchmarking Statute
<b>Description:</b>	N/A
<b>Filer:</b>	Sabrina Savala
<b>Organization:</b>	California Business Properties Association (CBPA)
<b>Submitter Role:</b>	Public Agency
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# CALIFORNIA BUSINESS PROPERTIES ASSOCIATION

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July 18, 2016

## CALIFORNIA ENERGY COMMISSION

Docket Number: 15-OIR-05 - AB 802 Docket

Sent Via Email - [docket@energy.ca.gov](mailto:docket@energy.ca.gov)

## Re: Support for AB 802 Regs/Reformation of Benchmarking Statute

California Energy Commission:

On behalf of the California Business Properties Association (CBPA) members recently mentioned in a letter submitted on this item, I am writing to clarify that BOMA, IREM, and NAIOP, do not support the request to postpone and repeal this docket.

In fact, these groups, as well as others from the commercial, industrial, and retail real estate sector have been working with the Administration, Legislature, and Energy Commission for many years trying to reform the state's statutory benchmarking law, originally passed in AB 1103, and many of those reforms were included in AB 802.

We are currently waiting to see the newest iteration of draft regulatory language, and will make comments once our members' experts have been able to analyze that new language. Although we may have some specific issues with the exact regulatory language, we, as an industry, continue to strongly support the overall statutory reforms of AB 802 and think the Energy Commission leadership and staff are doing a good job managing the regulatory language adoption process.

We thank the many constituencies that have worked together for years to assure that the state's mandatory benchmarking law functions in a manner that helps the state reach its energy efficiency goals, while not unnecessarily intruding on real estate transactions. We applaud Governor Brown, Assemblymember Williams, and Commissioner McAllister for their leadership bringing this statutory reform to fruition in a bi-partisan manner.

The Energy Commission has consulted with the AB 1103 Stakeholder Group throughout the process as they worked to adopt and refine regulations, which was an ongoing process started in 2007. Unfortunately, the language of the original statute did not work as efficaciously as intended. But instead of pressing forward with a statute that was not meeting expectations, those years of learning and experience were put into AB 802, which "course corrects" the statute in a manner that we believe will work much better for owners and managers of commercial properties and their tenants.

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CBPA members have actively worked on policy issues related to this area of law since the idea was first widely discussed in the Legislature in 2007. Throughout this entire period CBPA has been actively engaged in the AB 1103 Stakeholder Group convened by the Energy Commission and in the

formal regulatory process and have consistently delineated our concerns with the statute. We applaud the state for addressing those issues.

This is a complicated area of policy and we look forward to continuing to work with the CEC and other stakeholders to make sure the regulations that are adopted for AB 802 can be cost-effectively implemented by our members while also advancing the strategic goals for the state to become more energy efficient.

CBPA is the designated legislative advocate for the International Council of Shopping Centers (ICSC), NAIOP of California, the Commercial Real Estate Developers Association (NAIOP), the Building Owners and Managers Association of California (BOMA), the Retail Industry Leaders Association (RILA), the Institute of Real Estate Management (IREM), the Association of Commercial Real Estate – Northern and Southern California (ACRE), the National Association of Real Estate Investment Trusts (NAREIT), AIR Commercial Real Estate Association, the California Association for Local Economic Development (CALED), and the California Downtown Association (CDA). CBPA currently represents over 10,000 members, making it the largest consortium of commercial real estate professionals in California.

Thank you for taking our views into consideration. If you have any questions about our views on this topic, please feel free to contact me.

Cordially,

A handwritten signature in black ink that reads "Rex S. Hime". The signature is written in a cursive, slightly slanted style.

Rex S. Hime  
President & CEO

cc: Governor Jerry Brown  
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Commissioner McAllister  
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