

DOCKETED

Docket Number:	15-OIR-05
Project Title:	Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802
TN #:	212775
Document Title:	SMUD Comments On Staff Proposal for Draft Regulations
Description:	N/A
Filer:	System
Organization:	SMUD/Lourdes Jimenez-Price
Submitter Role:	Public Agency
Submission Date:	8/12/2016 3:59:09 PM
Docketed Date:	8/12/2016

Comment Received From: Lourdes Jimenez-Price

Submitted On: 8/12/2016

Docket Number: 15-OIR-05

SMUD Comments On Staff Proposal for Draft Regulations

Additional submitted attachment is included below.

**STATE OF CALIFORNIA
BEFORE THE CALIFORNIA ENERGY COMMISSION**

In the matter of:)	Docket No. 15-OIR-05
)	
Building Energy Use Disclosure Program)	SMUD Comments On Staff Proposal for Draft Regulations
)	
)	
)	
)	August 12, 2016

**Comments of the Sacramento Municipal Utility District
on Staff Proposal for Draft Regulations Implementing AB 802**

Thank you for the opportunity to provide comments on the Staff Proposal for Draft Regulations (“Draft Regulations”) for the building energy use, benchmarking and public disclosure process to be implemented by the California Energy Commission (“CEC” and “Commission”) pursuant to Assembly Bill No. 802 (Williams, Chapter 590, Statutes of 2015)(“AB 802”).

The Sacramento Municipal Utility District (“SMUD”) supports increased energy efficiency in existing buildings, and believes that the comprehensive benchmarking structure envisioned by AB 802 will enhance that goal. SMUD has worked well with our customers in fulfilling the more limited, “time-of-sale” benchmarking structure established by Assembly Bill No. 1103 (Saldana, Chapter 533, Statues of 2007)(“AB 1103”), and commits to working with the Commission and stakeholders to successfully implement the AB 802 structure.

SMUD notes that the benchmarking and disclosure process being implemented by the CEC envisions significant actions and interactions with our customers. While there is not a direct relation to the Draft Regulations, utility energy efficiency program and outreach efforts may be useful as a vehicle to encourage tenant participation in the benchmarking structure. SMUD also expects our customers to have questions about the AB 802 requirements as they are established, similarly to questions we have received for the AB 1103 benchmarking effort. While SMUD expects to provide similar information, education and outreach; using our website, informational fact sheets, etc. to our commercial and larger multi-family customers to help facilitate participation, the significantly increased number of buildings covered by AB 802 is expected to result in a material cost of such assistance borne by SMUD.

Specific comments on sections of the Draft Regulation are:

Section 1680(l): The definition of a “Utility” in the regulations appears overly broad, seeming to cover entities such as SolarCity and similar companies that sell rooftop solar energy to host customers through power purchase agreements. While the question of how such on-site generation is considered in the benchmarking and disclosure arena established by AB 802 is interesting and increasingly important as the uptake of rooftop solar expands, these companies will not have access to the type of customer energy data expected of the traditional utilities covered by AB 802. For example, these companies will not have available a list of meters in the building, a list of customers in the building, or the Building Identification Number.

Section 1681(a)(1): It is not clear what the owner, or the owner’s agent, of a covered building should provide the Utility when making a data request since the language “An indication of ...” multiple postal accounts at a building or “An indication of ...” whether the building owner request is made for compliance with the benchmarking and disclosure program is open to reasonable interpretation. SMUD recommends deleting these three words in each case, starting the regulatory language simply with “Whether...” .

Section 1681(b)(1): It is not clear that utilities can in all cases provide meter numbers or total customers for a building simply based on an address provided by the building owner or the Building Identification Number, if available. SMUD recommends that the words “... if available...” be added to the provisions in this section to take into account instances where the requested information is unavailable.

Section 1681(b)(2): The amount of Energy usage data required by Section 1681(b)(2) seems to vary between a minimum of 12-13 months and a maximum of 23-24 months. The language says for “at least the previous calendar year and all available usage for the year in which data is requested...” A request in December, then, may be for 23 or 24 months of data, while a request in January may be for just 12 or 13 months. This data should be more uniformly required for just the most recent 12 months. The most recent 12 months should be sufficient information to establish an approximate calendar year set of energy usage data for individual covered buildings. SMUD suggests that there would not be any verifiable accuracy in benchmarking data by including data varying between 12 and 24 months for each building.

In addition, since the envisioned benchmarking must occur each year for disclosable buildings, and is optional annually for covered buildings, the regulations should not require information that has already been provided the previous year.

Section 1681(b)(3): The requirement that utilities determine whether a data request is complete or not within 14 calendar days may be difficult to meet since most data requests are expected in January (being due by February 1st of each year). Utilities are not in the best position to perform this verification function to determine if the data request contains the required information. Having utilities perform this function diverts

resources from other core energy efficiency programs by creating a non-automated process. However, if this remains in the Draft Regulations, SMUD recommends that 30 days be allowed for this requirement to ensure that utilities are best able to comply with the requirement.

Section 1681(b)(4): Since the building owner is required to initiate the request for energy data, and the building owner has direct knowledge of and contact with the tenants of any covered building they own, the building owner should make the initial attempt to get tenant permission for release of energy data, and include their information about the number of tenants and the status of tenant permission in the initial request. There may be cases where the utility has better information about the number of accounts, but the process will be assisted by the building owner providing relevant information in the initial request. This will also reduce the number of contacts the utility has to attempt with tenants/accounts that the building owner indicates have not yet given permission to release their energy data.

Thanks again for the opportunity to comment on the Draft Regulations.

/s/

LOURDES JIMENEZ-PRICE
Senior Attorney
Sacramento Municipal Utility District
P.O. Box 15830, MS A311
Sacramento, CA 95852-0830

/s/

TIMOTHY TUTT
Program Manager, State Regulatory Affairs
Sacramento Municipal Utility District
P.O. Box 15830, MS A313
Sacramento, CA 95852-0830

cc: Corporate Files [LEG 2016-0534]