

## DOCKETED

<b>Docket Number:</b>	13-ATTCP-01
<b>Project Title:</b>	Acceptance and Training Certification
<b>TN #:</b>	217358
<b>Document Title:</b>	Notice of Availability of Errata
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	4/28/2017



In the matter of:

Refrigeration Service Engineers Society  
Acceptance Test Technician Certification  
Provider Application  
ERRATA TO STAFF REPORT

) Docket No. 13-ATTCP-01  
) Notice of Availability  
) *Mechanical Acceptance Test*  
) *Technician Certification Provider*  
) *Application Review: Refrigeration*  
) *Service Engineers Society*  
)

## Notice of Availability

The Refrigeration Service Engineers Society's application to be approved as an Acceptance Test Technician Certification Provider for Nonresidential Mechanical Systems under Title 24, Part 1, Chapter 10, §10-103.2(c) has been reviewed for compliance by staff and is now available for public comment.

This application will be considered for approval by the California Energy Commission at its next business meeting on May 10, 2017.

Energy Commission staff is issuing an errata to the Staff Report (April 2017 CEC-400-2017-005) concerning staff's summary of the Refrigeration Service Engineers Society's proposed compliant process as required by Section 10-103.2(c)3D (Chapter 13 of the Staff Report).

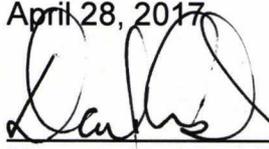
### Background

After publication of the Staff Report, Energy Commission staff discovered several minor factual errors that are corrected by the errata. The errata will have no substantive effect on the recommendations of staff in regards to the approval of the Refrigeration Service Engineers Society's application to become an Acceptance Test Technician Certification Provider.

### Availability of Documents

The errata is provided as an attachment to this notice, which is available online at <http://www.energy.ca.gov/title24/attcp/>.

April 28, 2017

  
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Dave Ashuckian, P.E., Deputy Director  
Efficiency Division

Listserv: Building\_Standards, Efficiency, Title24\_Enforcement

## CHAPTER 13: Complaint Procedures

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### Requirement in Section 10-103.2(c)3D

An ATTCP shall submit written procedures for notifying building departments and the public that it will accept complaints regarding the performance of any certified ATT or ATE, and procedures for how the ATTCP will address these complaints.

### Summary of Compliance Method for Applicant

RSES's application provides detailed procedures for accepting and resolving complaints. On behalf of RSES, the ESCO Group will provide a web portal for the intake and processing of complaints from any local enforcement agency, other permitting agency, and/or the public, concerning the performance of certified RSES ATTs or ATEs. After preliminary screening to validate its relevancy to the project, the ESCO Group will notify RSES (RSES Committee Liaison, Committee Chairman, and the RSES International Office) of the complaint to allow RSES to process the complaint appropriately. Customer complaints, which are brought to RSES's attention, will result in investigation and potentially on-site audits. Acknowledgment of the receipt of a complaint will be sent to the complainant within fourteen days and whether it can be ~~adjudicated~~addressed by the RSES Title 24 Oversight and Accountability Committee. RSES will not take any actions if the complaint is filed later than three months from the date of acceptance test completion.

The RSES organizes its complaint process into six phases:

Phase 1: Complaint Phase procedure includes several components.

- ~~Phase 2: Examiner Stage~~
- ~~Phase 3: Assessment~~
- ~~Phase 4: Appeal Phase~~
- ~~Phase 5: Discernment Phase~~
- ~~Phase 6: Determination Phase~~

~~Phase 1 is an intake process for which~~ **Filing of a Complaint:** A project's owner, owner's his representative, general contractor, mechanical contractor, engineer, or a representative of the authority having jurisdiction (AHJ) Permit Issuing Authority (PIA) may initiate a complaint. No contractual issues will be reviewed. The online intake form will serve to collect claimant contact information, project details, employer information RSES.

**Examination of the Complaint:** RSES appoints an Examiner to investigate the complaint and mediate a solution if possible, culminating in a report to the RSES Title 24 Oversight Committee.

Phase 2 is the process for selecting an investigator, or RSES Examiner, and the roles and responsibilities of the position. RSES will select a qualified, third party professional within fourteen days to examine, evaluate, and address all issues within the complaint. The examiner will sign a confidentiality agreement with RSES. The Examiner will contact the complainant within fourteen working days of receiving the complaint. The Examiner may review applicable plans, specifications, reports, field conditions, job specific procedures and submittals, and review the accuracy of field data. The Examiner may attempt to mediate a solution with the appropriate parties or take further action as deemed appropriate. The Examiner will issue a report to the RSES Title 24 Oversight and Accountability Committee based on the communications and mediation attempts with all related parties. Failure to cooperate with an Examiner will result in immediate suspension or revocation of certification by RSES.

Phase 3 is the assessment of the complaint. The Examiner's report will determine if the ATE and/or the ATT adequately performed the required acceptance test(s) and completed the necessary compliance documents required by the Standards. If the Examiner's report validates the complaint, the Examiner will include the extent of the impact on the client. The RSES Title 24 Oversight and Accountability Committee reserves the right, based upon the Examiner's report, to require any corrective actions when appropriate. The corrective actions may include, but not be limited to, additional training and/or recertification. In a case of intentional noncompliance, RSES will suspend the ATE, or the ATT, or both and require re-training with possible probation. If RSES determines that corrective action is required, RSES may prepare a scope of work document outlining the corrective actions and review them with the ATE to reach an agreement. If the ATE fails to comply with the corrective action, then RSES shall decertify the ATE and suspend the certificates of all the ATTs in its employ. Additionally, the ATE will pay all the costs for re-review and re-verification of the performed acceptance test. If payment is not rendered, then RSES will decertify the ATE as well as suspend the certifications of all ATTs in its employ. **Assessment of the Complaint:** Through its Title 24 Oversight Committee, RSES determines what corrective action, if any, is appropriate.

**Request for reconsideration:** In the event that RSES decertifies or suspends an ATT or ATE, the ATT/E may request reconsideration of the decision, and may present information and evidence not previously considered by RSES.

**Notice of Determination:** RSES will report to the complainant and the Energy Commission, with copies to the Certificate holders, the resolution of the complaint.

If there is any change in the status of an ATE or ATT, the data registry will be updated promptly and accordingly. A copy of the determination shall be sent to all parties including the certified ATT and ATE, the Energy Commission, and RSES.

Phase 4 is the due process available for parties interested in appealing RSES's Title 24 Oversight and Accountability Committee's decision. ATEs and ATTs may appeal decertification and present evidence heretofore not considered in support of its reversal. All appeals must be submitted in writing within sixty days of decertification or suspension.

~~Phase 5 is the judgment process. The RSES Examiner formulates a resolution, which is binding on all parties. If the certification holder does not comply with the RSES determination, the consequence is an immediate loss of certification.~~

~~Phase 6 is the complaint process phase concerning the determination reached and its implementation. A copy of the Notification of Determination shall be sent to all parties. If the ATT or ATE fails to comply with the mediator's determination, they will be notified of the noncompliance in writing. If an ATT or ATE certificate has been suspended for a certain period, upon completion of the suspension and reactivation, in addition to the annual performance review, an additional review and audit will be conducted. A reinstatement fee as well as review fees may be imposed. RSES will report the resolution of the complaint to the complainant, the Energy Commission, and the ATT or ATE certificate holders.~~

## Staff Assessment

Staff reviewed RSES's application regarding the proposed complaint process. RSES's proposed process for addressing complaints is reasonably transparent and fair to both the complainant and the ATT/ATE. The process provides many opportunities for a balanced resolution. Staff determined that the proposed process is sufficient to comply with the requirements of Section 10-103.2(c)3D. A summary of compliance with Section 10-103.2(c)3D is provided in Table 11.

**Table 11: Summary of Application Compliance for Section 10-103.2(c)3D**

REQUIREMENT	LOCATION IN APPLICATION	DATA ADEQUATE	NEED MORE INFO
Notification to Building Departments	RSES Application for California Title 24 Mechanical Nonresidential Acceptance Test Technician Certification Provider: Complaints (page 23)	X	
Procedures for Accepting Complaints	RSES Application for California Title 24 Mechanical Nonresidential Acceptance Test Technician Certification Provider: Complaints (page 23)	X	
Procedures for Addressing Complaints	RSES Application for California Title 24 Mechanical Nonresidential Acceptance Test Technician Certification Provider: Complaints (pages 24-27)	X	

Source: California Energy Commission.

# CHAPTER 13:

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The RSES Complaint procedure includes several components.

**Filing of a Complaint:** A project's owner, his representative, general contractor, mechanical contractor, engineer, or a representative of the Permit Issuing Authority (PIA) may initiate a complaint to RSES.

**Examination of the Complaint:** RSES appoints an Examiner to investigate the complaint and mediate a solution if possible, culminating in a report to the RSES Title 24 Oversight Committee.

**Assessment of the Complaint:** Through its Title 24 Oversight Committee, RSES determines what corrective action, if any, is appropriate.

**Request for reconsideration:** In the event that RSES decertifies or suspends an ATT or ATE, the ATT/E may request reconsideration of the decision, and may present information and evidence not previously considered by RSES.

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