

DOCKETED

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| Docket Number: | 15-OIR-05 |
| Project Title: | Building Energy Use Disclosure and Public Benchmarking Program Mandated under Assembly Bill 802 |
| TN #: | 221171 |
| Document Title: | Notice of Commission Adoption Hearing for Proposed Regulations |
| Description: | Notice of Availability of (1) Revised Express Terms (15-Day Language) and (2) Addendum to The Initial Statement of Reasons |
| Filer: | Muoi-Lynn Tran |
| Organization: | California Energy Commission |
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CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov



**NOTICE OF COMMISSION ADOPTION HEARING FOR
WHOLE-BUILDING ENERGY USE DATA ACCESS, BENCHMARKING, AND
PUBLIC DISCLOSURE REGULATIONS**

AND

NOTICE OF AVAILABILITY:

- 1) REVISED EXPRESS TERMS (15-DAY LANGUAGE)**
- 2) ADDENDUM TO THE INITIAL STATEMENT OF REASONS**

**California Code of Regulations
Title 20, Division 2, Chapter 4, Article 9, Sections 1680-1685**

**CALIFORNIA ENERGY COMMISSION
Docket No. 15-OIR-05**

September 14, 2017

INTRODUCTION

The California Energy Commission will hold a public hearing for consideration and possible adoption of revisions to the regulation proposed as Sections 1680-1685 of Title 20 of the California Code of Regulations ("Sections 1680-1685"), clarifying the whole-building data access provisions of, and implementing benchmarking and public disclosure provisions of, Public Resources Code Section 25402.10.

Pursuant to Government Code Section 11346.8(c), Energy Commission staff are providing notice of changes made to the proposed regulations (Sections 1680-1685). The revised Sections 1680-1685 will be made available to the public for at least 15 days before adoption by the Energy Commission. Pursuant to the requirements of Government Code Sections 11346.8(d), 11346.9(a)(1), and 11347.1, Energy Commission staff are also providing notice that documents and other information the agency relied upon in adopting the proposed regulations have been added to the rulemaking file and are available for public inspection and comment. The following document has been added to the rulemaking file: Addendum to the Initial Statement of Reasons.

COMMISSION ADOPTION HEARING

The Energy Commission will consider adopting the revised Sections 1680-1685 at a public hearing to be held on:

Wednesday, October 11, 2017

10:00 a.m.

California Energy Commission
1516 Ninth Street
Art Rosenfeld Hearing Room
Sacramento, California
(Wheelchair accessible)

Audio for the hearing will be broadcast over the Internet.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654-4425 at least five days in advance.

At this hearing, any person may present statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

PUBLIC COMMENT PERIOD/WRITTEN COMMENTS FOR REVISED EXPRESS TERMS (15-DAY LANGUAGE) AND ADDENDUM TO INITIAL STATEMENT OF REASONS

The public written comment period for the revised Express Terms (15-day language) and the addendum to the Initial Statement of Reasons will be from and including **September 14, 2017**, through and including **September 29, 2017**. Please submit comments using the Energy Commission's e-commenting feature by going to the Energy Commission's Benchmarking page at <http://www.energy.ca.gov/benchmarking> and clicking on "Submit comment." Your name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) will be required. After a challenge-response test to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the Energy Commission's Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments, (e.g., your name and contact information) become part of the viewable public record.

If you are unable to submit your comments through the docket system, you may send a paper copy of your comments to:

Docket Unit
California Energy Commission
Docket No. 15-OIR-05
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: 916-654-5076

Or e-mail them to: Docket@energy.ca.gov.

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the hearing, but should understand that staff will not have been able to review these comments prior to the hearing. The Energy Commission appreciates receiving written comments at the earliest possible date.

All written comments must indicate **Docket No. 15-OIR-05**. When comments are e-mailed on behalf of an organization, the comments should be a scanned copy of the original on the organization's letterhead and include a signature of an authorized representative. All written comments received by September 29, 2017, pertaining to the 15-day language or the addendum to the Initial Statement of Reasons will be reviewed and responded to by Energy Commission staff as part of the compilation of the rulemaking file.

REVISED EXPRESS TERMS (15-DAY LANGUAGE)

The revised Express Terms (15-day language) are available on the Energy Commission website at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-05> (TN 221168)¹

The language posted on February 23 (TN 216203) showed changes to Sections 1680–1685 with single strike through (~~example~~) to indicate deleted text and single underline (example) to indicate added text. In the 15-day language, changes from the originally proposed language are shown with double strike through (~~example~~) to indicate deleted text and double underline (example) to indicate added text. The 15-day language changes include:

1. Modifying the definition of “active” as it applies to utility accounts (§1681(a)).
2. Modifying the methods a building owner or owner’s agent may use to demonstrate building ownership or agency when requesting energy use data from a utility (§1682(a)(1)(B)).
3. Clarifying and simplifying the processes by which a building owner, owner’s agent, or utility may obtain customer permission to share building-level energy use data with a building owner or owner’s agent (§1682(b)(4)).
4. Specifying that a utility will not be required to provide whole-building energy use data more than once in a three-month period (§1682(b)(7)), except for requests made for compliance with the benchmarking and public disclosure requirements.
5. Adding requirements for a building owner or owner’s agent to notify a utility of certain changes when the utility is providing recurring automatic upload of whole-building energy use data (§1682(b)(8)).
6. Removing items from, and making modifications to, the list of metrics the Energy Commission may make available on a public website (§1683(c)(3)).

¹ A preliminary draft of the revised Express Terms was erroneously posted to the docket as TN 221066 on September 6, 2017, without the notice required by section 44 of Title 1 of the California Code of Regulations. That document has been removed from the electronic docket for this proceeding.

7. Modifying the list of requirements for a local jurisdiction to receive a determination from the executive director of the Energy Commission that compliance with its benchmarking program fulfills the requirements of the state program (§1684(b)(1)(A)).

ADDENDUM TO THE INITIAL STATEMENT OF REASONS

An addendum to the Initial Statement of Reasons has been posted to:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-05>.

The addendum includes changes to the Economic Impact Assessment section.

CONTACT PERSONS

Inquiries concerning the proposed regulations may be directed to:

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The backup contact person for these inquiries is:

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PUBLIC ADVISER

The Energy Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call Alana Matthews at (916) 654-4489, or toll-free in California at (800) 822-6228, or email publicadviser@energy.ca.gov.

NEWS MEDIA INQUIRIES

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.state.ca.us.

AVAILABILITY OF DOCUMENTS CONCERNING THIS RULEMAKING

To obtain a copy of any documents relating to this rulemaking, please visit the Energy Commission's website at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-05>

or contact Erik Jensen.

The Energy Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above.