

DOCKETED

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CHEERS comments on 2019 Standard 45 day language

Additional submitted attachment is included below.



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California Energy Commission
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

RE: Docket #17-BSTD-02

Since 2013, CHEERS has provided California a quality platform to facilitate the HERS industry. CHEERS interacts with HERS Raters, energy consultants, builders, installers and other stakeholders within the new construction and alteration markets. CHEERS appreciates the opportunity to provide input on the 2019 Standards Rulemaking. Our comments are not substantive as they reflect market practice, market preference, or are suggested language to improve clarity.

Feedback from the CHEERS team as well as aggregated perspectives from HERS industry participants are included in the comments below.

1. §10-103(1) A vi – Documentation, Certificate of Compliance

Proposed 2019 language

Be signed by the responsible person eligible under Division 3 of the Business and Professions Code to accept responsibility for the design to certify conformance with Part 6. When document registration is required by Section 10-103(a)1, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

Suggested changes to 2019 language

Be signed by the responsible person eligible under Division 3 of the Business and Professions Code to accept responsibility for the design to certify conformance with Part 6, **or shall be signed by their Authorized Representative**. When document registration is required by Section 10-103(a)1, the signature shall be an electronic signature on an electronic document in accordance with the electronic signature specifications in Reference Joint Appendix JA7.

Reasoning

Our survey of HERS Registry users as well as internal data analysis leads us to believe the clear majority of registered 2016 code CF-1Rs are being signed by users with login credentials other than their own. Examples include:

- (a) Energy Consultants signing on behalf of Builders, Architects (New Construction projects)
- (b) Raters signing on behalf of Installers (Alteration projects)

Unfortunately, deterring login credential sharing is not a solution. Large technology companies face similar issues. Their conclusion; users will share information with one another. It's up to the supervising entity to establish relationships between users to incentivize the desired behavior.

In this case, allow a contractual relationship (Signature of Authority agreement) between users so both understand their responsibilities when signing a Certificate of Compliance (CF-1Rs). The CEC currently



allows this relationship for Certificates of Installation (CF-2Rs) in the 2016 code. Allowing Signature of Authority on CF-1Rs will provide visibility and transparency on who is actually signing the document since the user with authority will be listed on the CF-1R as Document Author.

We urge the CEC to extend Signature of Authority to CF-1Rs in the 2019 code. Otherwise, HERS Registry users will continue sharing login credentials and the HERS Program will continue to have credibility issues.

2. §RA2.7.3 HERS Provider Responsibilities

Proposed 2019 language

a. HERS Providers shall assign a HERS Rater to conduct independent field verification and diagnostic testing of the installation work performed by the participating Third Party Quality Control Program installing contractors, and to submit Certificates of Verification at the close of the sampling group.

Suggested changes to 2019 language

a. HERS Providers shall **allow** a HERS Rater to conduct independent field verification and diagnostic testing of the installation work performed by the participating Third Party Quality Control Program installing contractors, and to submit Certificates of Verification at the close of the sampling group.

Reasoning

Asking the HERS Provider to assign a specific HERS Rater to test a participating TPQCP sample group invites favoritism and potentially conflict of interest. HERS Providers must remain neutral in this area. As the HERS Rater submits Certificates of Verification for the TPQCP sample group, the HERS Provider will verify they have the correct credentials to do so.

Proposed 2019 language

b. HERS Providers shall notify enforcement agencies when groups close or exceed six months without closing.

Suggested changes to 2019 language

b. **The HERS Provider shall format its Data Registry to allow enforcement agencies to review information related to Third Party Quality Control Programs within their jurisdiction.**

Reasoning

Building Department staffs have asked that we refrain from automatically sending them information about HERS related actions within their jurisdiction. Instead, they prefer the ability to log into a HERS Provider's Data Registry and review information they are looking for specifically. The suggested language allows the HERS Providers to work with Building Departments on data review requirements as TPQC Programs develop.

These suggestions also apply to the mirrored proposed language in §NA1.7.3



3. §JA7.7.1.1 Keyed-in Data Entry

Proposed 2019 language

Data Registries shall have the capability to receive data input transmitted from an authorized user's computer system keyboard entry devices and pointing devices when the authorized user has logged on to the Data Registry web service.

Suggested changes to 2019 language

Data Registries shall have the capability to receive data input transmitted from an authorized user's computer **or mobile device** when the authorized user has logged on to the Data Registry web service.

Reasoning

The proposed language unnecessarily restricts developing technology within the mobile device space. HERS market participants have voiced the need for data entry capability from their smart phone or connected tablet. The existing language restricts this given neither have “keyboards” nor “pointing devices.”

4. §JA7.7.1.2.2 EDDS Types

After the A, B and C subsections in JA7.7.1.2.2, we suggest the following language:

Application Programming Interfaces (APIs) provided by a HERS Provider are not subject to the EDDS data exchange requirements.

Reasoning

It's important to distinguish the difference in roles between an EDDS and a HERS Provider's API. An EDDS is an external source of information: digital diagnostic equipment, an external program (TPQCP), a data aggregation apparatus. In contrast, a HERS Provider's API is a standardized interface that allows input and retrieval from the associated Data Registry. An API neither collects nor generates input information. By the very nature of the simple function it provides, an API cannot be an EDDS.

The suggested language provides clarity to the Standards. Without it the language is opaque and the designation of an EDSS type is subject to misinterpretation.

5. §JA7.8.5 Data Registry User Manual

Proposed 2019 language

Each Registration Provider is required to publish a Data Registry User Manual. This requirement may be met by incorporating help screens into the Data Registry user interface, however, a printed version which includes all help screen items must be submitted with the application. The Data Registry User Manual shall provide guidance for building permit applicants and enforcement agency officials to enable correct use of the Data Registry, and assists with preparation of registered documentation used for submittals to enforcement agencies and other parties to the construction project.

Suggested changes to 2019 language

Each Registration Provider is required to publish a Data Registry User Manual. This requirement may be met by incorporating help screens into the Data Registry user interface **or making online tutorials readily**



accessible. A printed or electronic version including all help screen items and/or tutorials must be submitted with the application. The Data Registry User Manual shall provide guidance for building permit applicants and enforcement agency officials to enable correct use of the Data Registry, and assists with preparation of registered documentation used for submittals to enforcement agencies and other parties to the construction project

Reasoning

When polling a large set of our user base, we found most users have never referenced any Registry's User Manual. Instead, most users prefer brief online tutorials and/or videos that walk them through a specific topic on the Registry. CHEERS has found that providing new users (including Building Departments) access to introductory, overview, and document specific tutorial videos has been incredibly effective at educating Registry functionality. We request allowing online tutorials in place of a User Manual or help screens.

6. Data Registry Requirements Manual

The *Data Registry Requirements Manual* is heavily referenced in the 45-day language and is a critical resource for HERS Providers. In prior code cycles, revised versions of the DRRM have been released only months prior to the new Standards enforcement date, causing confusion for HERS Providers and Raters adjusting to the Standards update. To ensure a smooth transition to the 2019 Standards, we encourage the Commission to release the DRRM at least 18 months prior to implementation date so the HERS Providers have adequate software development time to prepare for 2019 submission.

7. HERS Verification of Solar Installations

Over the past several code cycles, HERS Raters have provided a necessary role in achieving the code's anticipated energy savings. The 2019 Standards requirement of solar on every new home is a logical next step towards net energy use reduction. Like the building efficiency increases of prior code cycles, to fully achieve the anticipated savings we believe it critical to have third-party verification of required solar system installation and operation.

CHEERS fully supports California's ambitious energy code. We are grateful for the opportunity to work with CEC staff on these issues and are happy to provide support to ensure the above items are addressed appropriately.

Respectfully,

Jim Hodgson
Vice President, Corporate Development
CHEERS