

DOCKETED

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**Comments on 2022 Energy Code Pre-Rulemaking for Acceptance
Test Technician Certification Provider Program**

Additional submitted attachment is included below.

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Via Docket E-Comment and Email

Docket Unit

California Energy Commission

Docket Number 19-BSTD-03

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Re: 19-BSTD-03: CALCTP Comments on 2022 Energy Code Pre-Rulemaking for Acceptance Test Technician Certification Provider Program

Dear Docket and Mr. Loyer:

I'm writing on behalf of the California Advanced Lighting Controls Training Program ("CALCTP") to submit comments on the Staff Recommendation for the 2022 Energy Code for the Acceptance Test Technician Certification Provider ("ATTCP") programs presented at the March 10, 2020 California Energy Commission ("CEC") workshop. CALCTP has three comments on the proposals presented:

- (1) The proposed requirement regarding providing database information to Authorities Having Jurisdiction ("AHJs") requires clarification regarding the scope, timing and form of this information and needs to be revised to recognize the added costs this requirement could impose;
- (2) CALCTP objects to the proposed deletion of specific occupancy sensor functionality test requirements: if there is a conflict between these

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requirements and requirements elsewhere in the code, the other parts of the code should be amended to allow continued testing of these critical functionality checks; and

(3) CALCTP supports Option Three for a nonresidential registry as the cheapest and most efficient option - development of such a registry needs to be competitively bid and ATTCPs should be compensated for any changes they need to make to their current databases to meet the common schema required for the registry.

I. CLARIFICATION NEEDED OF REQUIREMENTS THAT DATABASES ALLOW FOR PRINTED AND E-COPIES OF COMPLETED ACCEPTANCE TESTS TO AHJS AND PROVIDE VERIFICATION SERVICES FOR AHJS

Staff proposes requiring ATTCPs to operate a database system that would: (1) support the ATTCP quality assurance program; (2) provide printed and e-copies of completed acceptance tests to AHJs; (3) provide verification services for AHJs; and (4) provide the CEC with administrative access. CALCTP supports requiring an ATTCPs database to have all of these “functionalities,” but requires clarification as to whether this imposes specific duties on ATTCPs to provided copies of completed acceptance tests to AHJS, provide verification services to AHJs and provide administrative access to the CEC. The scope of these duties require clarification, as well as who bears the costs for these responsibilities. While staff claims that these requirements would not create any additional costs to ATTCPs, this is not correct.

First, the CEC needs to clarify whether the ATTCP is required to provide printed and electronic copies of all completed acceptance tests to AHJs upon submittal, or if they only have to provide copies upon request. CALCTP currently emails PDF copies of all completed acceptance tests to AHJs and would support adding such a requirement to the Code. CALCTP opposes requiring ATTCP’s to provide printed copies of all completed tests to the AHJs. This would impose a substantial cost to ATTCPs in both employee hours and material and mailing expenses.

A requirement to provide an electronic PDF copy of completed acceptance tests to AHJs, however, would need to put the responsibility on the AHJ for

providing ATTCPs a valid email address for sending completed acceptance tests. While CALCTP has sought contact information for all AHJs in California, many of the emails it has been provided are not valid working emails. In addition, a number of AHJs have asked CALCTP not to send them copies of the completed acceptance tests. Responsibility for providing ATTCPs the information needed to electronically transmit acceptance tests needs to be placed on the AHJs, not the ATTCPs.

Second, the requirement to provide “verification services for AHJs” needs to be defined. Currently, CALCTP provides verification of valid certifications for acceptance test technicians on its website. It also sends electronic PDF copies of completed acceptance tests to AHJs that have provided valid email addresses for this service. It is unclear what additional verification services would be required. CALCTP objects to imposing such an undefined requirement as it could be interpreted to require provision of services that are not budgeted within the ATTCP program costs. CALCTP further requests that ATTCPs be allowed to charge an hourly cost for AHJ verification services other than verifying certifications and providing PDF electronic copies of completed acceptance tests.

Third, CALCTP requests that the requirement to provide the CEC with “administrative access” to its database be defined. At a minimum, any such access should be sufficiently limited to protect confidential business and personnel information.

Fourth, CALCTP suggests that one additional functionality be added to the database requirement: provide the ability to track acceptance test submissions by city and county. CALCTP's periodic review of its own database has found that there continues to be a substantial number of counties and cities that still do not require the use of certified acceptance test technicians for lighting control acceptance tests. Requiring ATTCPs to track acceptance test submissions by city and county and report these numbers to the CEC would provide a mechanism to assist the CEC in enforcing these requirements.

Finally, CALCTP does not believe there should be an exception for the database requirement if the ATTCP relies exclusively on the nonresidential data registry. As discussed below, CALCTP supports the third option for a non-residential registry, which would not lend itself to replacing all the functions that an ATTCP registry provides.

II. ACCEPTANCE TEST REQUIREMENTS FOR OCCUPANCY SENSING LIGHTING CONTROLS NEED TO BE STRENGTHENED IN THE ENERGY CODE, NOT WEAKENED

Staff has stated that the Energy Code does not explicitly require the current acceptance test requirements to ensure that an occupancy sensor is: (1) minimizing false signals; (2) at least four feet from a HVAC diffuser; (3) not detecting in adjacent zones; and (4) free of obstruction. CALCTP strongly opposes removing these acceptance test requirements. Requiring acceptance test technicians to certify compliance of occupancy sensors that have the preceding issues makes no sense and undermines confidence in the acceptance test program. Further, it will result in unnecessary lost energy savings. If the issue is that other sections of the Energy Code need to be amended to more explicitly require that occupancy sensors meet these four requirements – then those sections should be amended, not the acceptance test requirements.

At a minimum the Energy Code should be amended to explicitly provide that the occupancy acceptance test confirms that none of the four above listed issues are interfering with the proper operation of the occupancy sensor. More importantly, the code should be amended to require that any equipment subject to acceptance testing operates appropriately for the space in which it is installed.

III. CALCTP SUPPORTS OPTION THREE FOR A NONRESIDENTIAL REGISTRY

CALCTP supports Option Three for development of a nonresidential registry. Option Three would keep the individual ATTCP registries intact, but require certain information to be exchanged with a central nonresidential registry. CALCTP does not believe that it makes sense for any ATTCP to rely solely on a central nonresidential registry without also having its own internal registry for quality assurance and other business purposes. Requiring the central registry to perform all functions including quality assurance functions would be duplicative and unnecessarily expensive. CALCTP believes Option Three would be the cheapest and most efficient option for both the CEC and the ATTCPs.

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In order to keep costs reasonable for ATTCPs and consumers, CALCTP believes it is critical to ensure that any such registry is competitively bid. In addition, because ATTCPs were required to create their own databases before the creation of a central data registry, ATTCPs should be compensated for any changes they need to make to their current databases to meet the common schema required for the registry.

IV. CONCLUSION

We appreciate your consideration of CALCTP's comments on these issues. Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Thomas A. Enslow". The signature is written in a cursive style with a long horizontal line extending to the right.

Thomas A. Enslow

TAE:ljl