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July 3, 2020

Mr. Jim Hodgson, Executive Director
Consol Home Energy Efficiency Rating Services, Inc.
1610 R Street, Suite 200
Sacramento, California 95811

Dear Mr. Hodgson:

On May 8, 2020 the California Energy Commission (CEC) was informed of a potential violation of registry requirements by Consol Home Energy Efficiency Rating Services, Inc. (CHEERS).

The complaint investigation process revealed that the current operational practices of the CHEERS registry does not fully conform to the requirements for Registration Providers. Listed below are descriptions of what CEC staff found, supporting regulations, and a list of corrective measures that will ensure compliance with the regulations.

CEC staff have found that the CHEERS registry is signing individual compliance documents to the requirements of Joint Appendix (JA) 7; however, users can easily obtain un-signed compliance documents through two features found alongside the valid access method: "download documents" (or download docs) and "send documents" (or send docs).

Unsigned documents lack the features necessary for compliance with JA7. This allows users to obtain, modify, and submit documents to enforcement agencies. At the same time the unsigned documents appear to be valid, as they still contain the provider's watermark and a valid registration number. Typically, documents that are not registered are covered with a generic watermark stating that it may not be used for energy code compliance.

Per Reference Joint Appendix (JA) 7.7.1.5 of the Building Energy Efficiency Standards (Energy Code) registered compliance document files retained by a data registry shall be made available to authorized users for download for submittals. Electronic copies of the registered compliance documents are required to have the registration provider's digital signature, which provides for

verification of the authenticity of the document and protects the document from modification. Additionally:

1. Compliance documents must be signed by the provider (JA7.3) by applying a digital certificate to the entire document.
2. The provider must provide verification of authenticity before the document is used for enforcement (JA5.5).
3. Digital signatures must be supplied by a Secretary of State-approved certificate authority (JA7.6.2.2.4).

Ultimately, a registration provider should not issue unsigned copies of compliance documents because the signatures are required by code and because unsigned copies allow "doctoring" and misuse.

Listed below are the corrective measures CHEERS shall make within 30 days of receipt of this letter:

1. CHEERS will remove the "download documents" and "send documents" features from the registry and disable access to unsigned alterable versions of registered documents.
2. CHEERS will identify enforcement agencies that could have received the unsigned or altered documents that were obtained through the "download documents" and "send documents" features.
3. CHEERS will notify all registry users and inform them about which features were removed and describe the risks of accessing and using unsigned documents.
4. CHEERS will alert each of the identified enforcement agencies and instruct them in how to obtain valid documents.
5. CHEERS will notify and consult with Standards Compliance Office staff before replacing or creating features where documents are combined or attached to emails or any other distribution method that might remove the verification of authenticity or the signature.

CHEERS is to notify the CEC when these corrections are complete. If you have any questions, please contact Lorraine White at (916) 654-4928 or Lorraine.White@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director

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bcc: Commissioner J, Andrew McAllister, Ph.D.