

DOCKETED

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CEC Revised Staff Draft – Title 24 FV&DT Regulations

CEC Questions

- Other Existing Issues Not Reflected in the Staff Report
- Alternative Approaches the CEC Should Consider
- Possible Impacts and Costs Associated with the Proposals

Rulemaking Process

- Repeal of T-20 Modifications
- Changes to Conflict-of-Interest Assumptions
- Better Reflects Rater Integrity

Other Issues Not Considered

- HERS is a Collaborative Program
- HERS Raters Need Commission Support
- The Commission Needs Data

Staff Proposals

- QA Program
- Conflicted Data Regulations
- Rater of Record

Costs & Implications

- Clarifications
 - Examples and information to better understand what is intended.
- Context
 - More information and context as to why some of these rules are being proposed.
- Data and Information
 - Providers, Rating Firms, Commission Staff

CalCERTS QA History

- CalCERTS one of two remaining CEC Approved HERS Providers from 2011 – 2016. USERA still active. Original CHEERS “de-activated”.
- This rulemaking was born from a complaint against CalCERTS around 2011, for not providing due process.
- Subsequent to that hearing, CalCERTS, in collaboration with the CEC, created the QA program we’ve enforced since.

Rulemaking Based on Out of Context Data

- Investigations by the CEC were not on CalCERTS projects.
- CalCERTS provided a manual of our QA Program to the CEC.
- Consumer complaints are limited. CalCERTS receives 20 complaints in six years. One complaint per 10s of thousands of ratings.

Rulemaking Based on Out of Context Data - 2

Some of the data used as a basis for this rulemaking was not evaluated in context.

Example: Investigation Report 2-06

- Findings that of vast majority of CF2R data is identical to CF3R data.
- This is not evidence of collusion.
- It's how the energy code is written.

What Has Worked

- Blind Field QA audits are the gold standard.
 - Raters don't know what project will be QA'd.
 - These blind audits give Providers a clear understanding of how the energy code is being enforced.
 - They help Providers understand where education is lacking for Raters, Builders, and Installers.
- Desk Reviews and Data Audits
 - Excellent and cost effective way to track Rater performance.

What Hasn't Worked

- Shadow Audits
 - Bad-actors know they're breaking the rules. It isn't about education.
 - Bad-actors will not knowingly falsify data on a Shadow Audit.
- In-lab Audits
 - Bad-actors know they're breaking the rules. It isn't about education.

May Cause Significant Disruption

- **Conflicted Data**
 - Does the permit that was closed become active again?
 - Would it stop the sale of a home in escrow?
 - Are certificates of occupancy rendered invalid?
 - Who is ultimately liable for what specific action?
- **Sampling and Conflicted Data**
 - Coordination is a big hurdle.
 - Who is ultimately liable?
 - Essentially removes sampling.

What Will Work/Help

- All Providers suspend or investigate a Rater when they are decertified by a Provider.
- Rater undergoing disciplinary review at one Provider can't just apply to another Provider.
- Reduced random Field QA Audits on “Verified ECC-Raters”.
- Mandating accurate project contact info.

What Will Work/Help - 2

- Dissemination of information to AHJs and Installer/Builders.
- Simplification of energy code.
- **Collaboration between CEC, Rater Companies, and Providers on Quality Assurance.**



End