

DOCKETED

Docket Number:	23-HERS-01
Project Title:	2023 Repeal of the Field Verification and Diagnostic Testing requirements in Title 20
TN #:	250832
Document Title:	Transcript 03-28-23 for HERS Rulemaking Hearing
Description:	N/A
Filer:	Joe Loyer
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	6/29/2023 2:27:13 PM
Docketed Date:	6/29/2023

CALIFORNIA ENERGY COMMISSION

In the matter of:

Repeal of the Field Verification) Docket No. 23-IEPR-03
and Diagnostic Testing)
Requirements in Title 20 Report)
(2023 IEPR))
_____)

PUBLIC HEARING

TRANSCRIPT OF PROCEEDINGS

REMOTE VIA ZOOM

TUESDAY, MARCH 28, 2023

10:00 A.M.

Reported by:

Martha Nelson

APPEARANCESSTAFF

Lorraine White, Standards Compliance Office

Michael Sokol, Efficiency Division

Joe Loyer, Efficiency Division

STAFF ALSO PRESENT

Amber Beck, Efficiency Division

Christine Collopy, Efficiency
Division

Corrine Fishman, Regulations Manager

Mathew Pinkerton, Chief Counsel's Office

Matt Chalmers, Attorney

PUBLIC COMMENT

Shelby Gatlin, CalCERTS

Peter Waring

Karen Zamarripa, ARCXIS

INDEX		<u>PAGE</u>
Welcome		4
Lorraine White		
Introductory Remarks		5
Michael Sokol		
Public Hearing and Rulemaking Process		9
Lorraine White		
Proposed Regulations and Status		15
Joe Loyer		
Public Comments		17
Close of Public Hearing		31

1 Sokol. I will discuss the public hearing process itself
2 and the rulemaking. And then Joe will discuss the actual
3 scope of the regulations and where we are with the
4 proposals.

5 Following this, we will have open public comment.
6 We ask that you focus your comments to the extent
7 appropriate to Title 20 changes we are proposing. We do
8 also have a sister parallel proceeding underway to make
9 modifications to Title 24 related to the HERS Program. And
10 we will be able to direct you to where those dockets are if
11 you need to have that information.

12 Joe, advance, please.

13 At this point, I'd like to hand it over to
14 Michael Sokol.

15 MR. SOKOL: Thank you, Lorraine, and good
16 morning, everyone. My name is Michael Sokol. I'm the
17 Director of the Efficiency Division. Thank you for taking
18 the time to attend this morning. I'll provide some opening
19 remarks and then we'll go through some other slides. I'll
20 hand back to Lorraine and Joe to go through some of the
21 content of the rulemaking.

22 For some framing, for the past several years, the
23 CEC has been heavily focused on identifying opportunities
24 to improve compliance with California's Energy Code and
25 related requirements to advance energy efficiency in

1 California's buildings.

2 The CEC does take its oversight role very
3 seriously when it comes to Energy Code compliance and has
4 been examining a range of issues and considerations to
5 inform our processes here at the CEC. And a number of you
6 have engaged in these proceedings and we value and
7 encourage that moving forward as well.

8 The CEC really values public engagement and a lot
9 of feedback to inform our rulemaking processes and we
10 encourage informed participation in our ongoing compliance-
11 focused proceedings, including today's hearing focused on
12 Title coding. Thanks to all who have taken time out of
13 their busy day to attend and engage in this process. I
14 know there are impacts to work and a variety of things, so
15 appreciate you taking that time.

16 Today's hearing does represent an important
17 milestone in the rulemaking process related specifically to
18 the Title 20 Regulation, which is only one aspect of the
19 overall compliance improvement efforts that we have
20 underway at the CEC.

21 Joe, if you can advance to the next slide,
22 please?

23 It's important to note that there are two
24 programs here at high level. There's the Voluntary Whole-
25 Home Rating Program, and the Mandatory Field Verification

1 and Diagnostic Testing Program which deals with forms and
2 Energy Code compliance. Right now, the Field Verification
3 and Diagnostic Testing Program is mostly based on Title 24
4 with a few administrative provisions that exist in Title
5 20.

6 Neither program will be eliminated. That's a
7 point that I want to emphasize. Title 20 rulemaking
8 removes the administrative provisions related to the Field
9 Verification and Diagnostic Testing Program to help
10 consolidate the FV&DT program into Title 24. A separate
11 rulemaking is adding the limited administrative
12 requirements for the Field Verification and Diagnostic
13 Testing Program to Title 24, along with a range of other
14 programmatic updates to be considered.

15 The consolidation of the FV&DT program in Title
16 24 will separate the Voluntary Whole-House Home Energy
17 Rating System, the HERS Program, from the Mandatory Title
18 24 Field Verification and Diagnostic Testing Program.
19 Removing the FV&DT Program in Title 20 avoids duplication
20 of the FV&DT administrative requirements in both Title 20
21 and Title 24.

22 I would like to emphasize that the HERS program
23 is not being eliminated from regulation. The FV&DT Program
24 is not being eliminated from regulation. These are two
25 distinct programs that the CEC only seeks to separate for

1 better administration and less confusion.

2 The effective date of removing the Field
3 Verification and Diagnostic Testing Program from Title 20
4 is the same date that FV&DT Program will become effective
5 in Title 24, such that the regulations will be in effect,
6 although in different locations, without interruption. The
7 current FV&DT Program will continue as normal and not be
8 affected in any way by Title 20 rulemaking.

9 To the extent the FV&DT Program is being changed,
10 that work is being done in the complementary Title 24
11 rulemaking. Work on adding the FV&DT program to Title 24
12 is moving forward in parallel with a draft staff report
13 already published and a revised staff report in the works.
14 The CEC encourages anyone interested in how the program
15 will change to engage in that rulemaking because it's
16 considered a separate process.

17 Today's hearing is focused on the rulemaking for
18 the Title 20 process. All comments will be considered and
19 reflected in regards to Title 20 in the next steps for
20 CEC's overall process.

21 And so for the next slide, please.

22 So this is the status of the rulemakings. There
23 are links at the bottom of the page for all interested
24 parties. And we encourage you to look at the information
25 on the CEC's website that clarifies the scope and timing

1 for each rulemaking. As you can see, there's a pre-
2 rulemaking process that was started for both Title 20 and
3 Title 24 in parallel in May of last year. The draft staff
4 report for Title 24 was published in October, and for Title
5 20 in November 2022.

6 There was a workshop covering both topics on
7 November 15th of last year. And at this point, that's when
8 both rulemakings are progressing on their own parallel
9 steps with the formal rulemaking for the Title 20
10 Regulations starting at the beginning of February and
11 culminating in today's public hearing.

12 Once comments are considered and reflected in the
13 Title 20 rulemaking next steps, there will be an effective
14 date of January 1, 2026, which aligns with the Title 24
15 Energy Code, January 1, 2026.

16 As you can see on the Title 24 side, there's also
17 another workshop being planned for April, with an
18 additional workshop likely to follow that will be informed
19 with the revised draft report. So we encourage folks that
20 are interested in engaging in this topic to participate in
21 that rulemaking as well. Today's rulemaking will focus on
22 the Title 20 Regulations.

23 And with that, I will hand back to Lorraine
24 White.

25 MS. WHITE: Thanks, Michael.

1 So I'd like to actually go over the process for
2 those of you on the phone that aren't familiar with
3 governmental regulatory processes related to changes to
4 code sections. But this particular public hearing, there
5 are a few things that I want to make sure everybody knows
6 so we can maximize your participation.

7 This particular public hearing is focused on the
8 Title 20 portion of the overall rulemaking that affects
9 both Title 20 and Title 24. As Michael has mentioned, that
10 other proceeding gets into a lot more of the details about
11 proposed enhancements and improvements to the overall
12 Mandatory Field Verification and Diagnostic Testing Program
13 that supports the Building Standards.

14 This meeting is being held remotely, and we are
15 very happy that right now we have 103 participants able to
16 join us via our Zoom.

17 Statements that are going to be made as part of
18 this hearing are going to be a part of the public record.
19 They're going to be recorded both in a transcribed document
20 with a court reporter on hand, and also this recording of
21 the Zoom meeting.

22 We are not making any decisions today as part of
23 this meeting. We are accepting comments. We're presenting
24 our information on what's happening. And if you would like
25 to have more information on the documents and information

1 about the Title 20 proceeding, there are links in this
2 presentation, which is available on our docket. You can
3 find that docket on the California Energy Commission's
4 website by typing in 23-HERS-01 in the search function. It
5 will take you to the web pages discussing this proceeding.

6 Now for those participating on the Zoom call, we
7 want to make sure that you have the opportunity to
8 participate. If you have any technical difficulties
9 whatsoever, you can get technical support from Zoom
10 directly at <https://support.zoom.us/>.

11 Use the Zoom chat box feature located in the
12 lower right-hand corner of the screen or call
13 1-888-799-9666 extension 2 to participate in the chat box.

14 You can also contact our Public Advisor's Office.
15 They're available to ask questions about proceedings like
16 this and how better to get involved in the Energy
17 Commission's processes. You can contact them via email at
18 publicadvisor@energy.ca.gov, or by calling by phone
19 1-916-654-4489, or calling toll-free at 1-800-822-6228.

20 Next slide, Joe, please.

21 When it comes to the comment period, we'll be
22 joining -- we'll be starting that here fairly shortly, I do
23 want to offer you some guidelines. This will allow
24 everyone who wishes to participate to do so.

25 Comments will be taken at the end of Joe's

1 presentation. Comments will be limited to three minutes
2 per person and one person per organization, depending upon
3 the number of persons who wish to speak. Since we have
4 more than 109, it is likely that we will have quite a few
5 folks that will want that opportunity. So please respect
6 the time limit and allow others to provide their comments
7 as well.

8 When you speak, we ask that you, for the purposes
9 of the transcription and the recording, please speak your
10 name and, if necessary, spell your last name to help out
11 making sure it's correct in the record. We also would like
12 to have you tell us your affiliation when you speak.

13 Currently, all lines are muted. And if you wish
14 to raise your hand to speak, we'll be calling on you at the
15 comment period. For those online, on a computer, the
16 raise-hand function is that nice little icon down at the
17 bottom of your screen. For those of you on the cell phone,
18 not on a computer, to raise your hand, please press star
19 nine. That way I can then see you and give you the ability
20 to speak. When you are called upon, in order to speak, I
21 need you to press star six. That will allow you to be
22 muted and unmuted.

23 For those of you who would like to have questions
24 about the overall proceeding answered, please post your
25 questions in the question and answer or Q&A section of the

1 Zoom call here at the bottom of the screen.

2 Next slide, Joe.

3 So a rulemaking is a regulatory process. It
4 allows for robust public participation and lots of
5 notification about what our agency is intending to do. As
6 Michael has explained already, this is to make
7 modifications to the Field Verification and Diagnostic
8 Testing Program, not eliminate or revoke it.

9 In order for us to do that, we commenced our
10 process with an order instituting the rulemaking. This was
11 published in May of 2022. In that order instituting
12 rulemaking, there was a broad invitation to parties,
13 members of the public, interested individuals to
14 participate in this proceeding, provide us your input,
15 share information, inform us of things we may have missed.

16 As part of that whole process, there's a robust
17 public input component. This includes us publishing our
18 staff reports, making them available for everybody to
19 review. All those documents are available in our docket.
20 Again, you can find the docket by searching the Energy
21 Commission's website using 23-HERS-01. It will take you to
22 the overall webpage where all the information is listed.

23 After the staff reports were published, we held
24 our staff workshops. As Michael has said, the first was in
25 November, November 15th, and a second one was held in

1 January. We have considered all of these comments. We've
2 collected them. We've had several comment periods in which
3 we've been able to provide feedback within these workshops
4 related to those comments and input. And we are
5 considering all comments to date as we revise our Title 24
6 staff report.

7 Very little was mentioned in the Title 20
8 component of the staff report, so we're proceeding with the
9 rulemaking at this point. It began on the 9th of February
10 with a 45-day comment period. All of these documents are
11 also available publicly and they are part of the current
12 HERS record. The close of the comment period was
13 yesterday. We are having our public hearing today, which
14 will also collect comments that will be considered by
15 staff.

16 The materials will then be revised if necessary
17 and presented to the Commission for their consideration
18 sometime late spring, early summer. Depending on the
19 decision of the Commission, any changes that are accepted
20 will not take effect any earlier than January 1st, 2026,
21 approximately three years from now.

22 If you have any questions about this process, I'm
23 more than happy to respond to them in the chat.

24 At this point, Jim, I would like to hand it off
25 to you to talk about the scope and the elements of the

1 actual proposals we're making.

2 MR. LOYER: Thank you, Lorraine.

3 This is Joe Loyer. I'm a Senior Mechanical
4 Engineer in the Standards Compliance Branch of the
5 efficiency division. I'm also the driver of the
6 presentation here.

7 So the scope of this HERS rulemaking, this is the
8 repeal of the administrative portion or administrative
9 FV&DT provisions from the Title 20 Regulations. The HERS
10 Title 20 rulemaking complements the substantive
11 move of the Field Verification and Diagnostic Testing
12 Program into Title 24.

13 At no time will there be any gap in the FV&DT
14 Program, which is the majority of the HERS Program that
15 most of the HERS raters use. This Title 20 rulemaking does
16 not eliminate the FV&DT program in any respect. The
17 administrative FV&DT provisions will be added to the Title
18 24 or the 2025 Energy Code update, and the administrative
19 FV&DT changes effective no earlier than the effective date
20 of the 2025 Energy Code, and that will be January 1, 2026.
21 Both rulemakings will become effective at the same time,
22 such that the regulations governing their HERS whole house
23 and the FV&DT program will remain in effect with no gap.

24 The proposed changes in Title 20, these are
25 sections 1670 through 1675. They are very minor. In our

1 respect, we consider this to be very surgical changes to
2 that coded section. They repeal references to FV&DT
3 provisions in Title 20. These are provisions that are
4 added to Title 24 during the 2025 Energy Code update. The
5 effective date is the same as the 2025 Energy Code, January
6 1, 2026, and this ensures that continuous FV&DT Program
7 Regulations are in effect.

8 We are deleting the definitions in Title 20 for
9 the ACM Manual, the California FV&DT diagnostic testing
10 rater, and service water heating. Hearing? That should be
11 heating.

12 So with those changes, like I said, these are
13 very, very minor changes in Title 20. The bulk of the
14 changes for the FV&DT Program will be in Title 24, and that
15 will be discussed at a different workshop.

16 With that, I believe that is the last slide for
17 this presentation. There are other slides here. And if
18 we're ready, Lorraine, we can move into the public comments
19 period.

20 So to comment, provide your name and affiliation
21 when speaking. All lines are muted. To comment, raise
22 your hand to speak. Online, raise your hand. The host
23 will give you the ability to speak, then participate, then
24 participants must push unmute. So we'll give you the
25 ability to speak and you have to unmute yourself.

1 The cell phone, you raise your hand by pressing
2 star 9. We'll give you the ability to speak, again, then
3 you have to press star 6 to actually unmute.

4 For clarifying rulemaking process, type your
5 questions into the Q&A section.

6 Statements made today will be part of the public
7 record.

8 With that, we have a slide here that enables me
9 to start a timer here. I will go to the Q&A section first
10 here, and we have one question, so I guess we'll tackle
11 that one first, Lorraine.

12 MS. WHITE: Yeah, that I think is appropriate.

13 Voluntary means just that, you're not mandated to
14 do the Whole-House Program.

15 MR. LOYER: Yeah, the Whole-House Program is a
16 voluntary program, and that's all that voluntary is
17 referring to. FV&DT is a mandatory requirement for the
18 code compliance.

19 And so I'm going to go ahead and go to the
20 participants window here. We have 116 participants. I see
21 the first two hands are raised. The first hand raised is
22 Shelby Gatlin.

23 So, Shelby, I'm going to allow you to talk. Go
24 ahead and unmute.

25 MS. GATLIN: Good morning.

1 MR. LOYER: Alright. Excellent. Okay. I'm
2 going to start the timer for you, Shelby. Here we go.

3 MS. GATLIN: Thank you. Good morning. I'm
4 Shelby Gatlin with CalCERTS. I've been working in the HERS
5 Program for a little over 11 years. I'm also an attorney
6 in good standing with the California Bar.

7 CalCERTS welcomes the opportunity to work with
8 the Commission on the Field Verification and Diagnostic
9 Testing Program. We've submitted comments, offered data to
10 help improve the program from ratepayer to HERS raters. We
11 are concerned that the Commission is revoking the HERS
12 Program from Title 20 before we understand the scope of
13 changes to the Field Verification and Diagnostic Testing
14 Program. The process seems backwards.

15 Any focus on effective dates today by the
16 Commission are not relevant to the rulemaking process.
17 Effective dates are relevant to when the Building Code
18 becomes enforceable. For example, the 2019 code was
19 approved more than a year before it became effective in
20 October 2018. For the 2022 code, the Commission ran later
21 than its published plan and adopted the code in November
22 2021. When working on the Building Code year over year, if
23 the Commission cannot get a change through, for example,
24 solar requirements or electrification, the code defaults to
25 the rules on the books.

1 In this instance, if the Commission moves forward
2 with the Title 20 rulemaking, it will have revoked the HERS
3 Program for field verification and diagnostic testing from
4 the books before we have a complete new set of rules.

5 There will be no default program. There will be no default
6 program to rely on if the Commission fails on its Title 24
7 proposals. And the Title 24 proposals are significant and
8 lengthy, and that rulemaking is already delayed from the
9 Commission's initial proposed timeline.

10 Our request is simple. Have the Commission wait
11 to proceed on this Title 20 rulemaking until the Title 24
12 program is finalized.

13 For the Office of Administrative Law, it is
14 important to note that the eyesore on which this rulemaking
15 is premised cannot be valid because it relies on
16 prospective regulations. Those regulations cannot be
17 included by theoretical reference. The Commission will
18 need to revise the eyesore for the Title 20 rulemaking
19 after the Field Verification and Diagnostic Testing Program
20 is adopted. Otherwise, it cannot be substantiated.

21 We look forward to working with the Commission to
22 improve the HERS Program. We are especially interested in
23 highlighting the importance of our program when it comes to
24 saving kilowatt hours during peak demands. We want to
25 better enforce the Energy Code to benefit all California

1 ratepayers. We are super excited to participate in this
2 process. We're delighted that folks have logged in.

3 MR. LOYER: And that's your time, Shelby.

4 MS. GATLIN: Thank you.

5 MS. WHITE: Thank you, Shelby.

6 MR. LOYER: Peter Waring, if you're ready, I'm
7 going to allow you to talk and go ahead and unmute.

8 MR. WARING: Hi. Can you hear me okay?

9 MR. LOYER: Yep. All right, Peter. Here's your
10 timer.

11 MR. WARING: My name is Peter Waring. I live in
12 the Bay Area. I have been a HERS rater for many years, as
13 well as a building analyst with BPI and a screen point
14 rater.

15 I taught a number of years at Laney College and
16 Skyline College and trained and certified over 100 students
17 in these different certifications. But less than half of
18 them actually wound up working in the industry because we
19 got out ahead of the market.

20 And what I found, since I no longer am teaching
21 in the classroom, is that having the field verification and
22 diagnostic testing requirements for builders, both of new
23 construction and remodel, gets me in the door and allows me
24 to have a dialogue with both the builders and even earlier
25 with the designers in terms of making our buildings be

1 higher performing in terms of saving energy, but also in
2 terms of health and safety and durability.

3 So I would be very sad if these requirements were
4 dropped because right now they are the way in which my
5 classroom has expanded to the building construction
6 industry. And I actually have quite a number of designers
7 and builders and owners and developers who have slowly but
8 surely gotten onboard with these being valuable things to
9 aspire to and to incorporate in their construction
10 projects, not just requirements and more gobbledygook and
11 bureaucracy and pain in the butt things coming from on
12 high.

13 So I really would like to encourage doing
14 whatever we need to refine these actual demonstrable,
15 scientifically measurable standards for construction, but
16 let's not drop them. Let's not give up what I found to be
17 the main avenue for education in the industry.

18 Thank you.

19 MR. LOYER: Thank you, Peter.

20 I'm going to pause this. Let's see if that --
21 yeah. Yeah, there we go.

22 Okay, Peter, I'm going to mute you.

23 Karen, and I don't believe I can pronounce your
24 last name correctly, I'm very sorry, so please introduce
25 yourself. I'm going to allow you to talk here. Go ahead

1 and unmute.

2 MS. ZAMARRIPA: Sure. Got it.

3 MR. LOYER: Yeah.

4 MS. ZAMARRIPA: Good morning. My name is Karen
5 Zamarripa and I am representing ARCXIS this afternoon -- or
6 this morning. I appreciate the opportunity to provide our
7 remarks.

8 Although the organization does not have any
9 issues with moving HERS from Title 20 to Title 24, we do
10 share concerns about the timing of the removal of the
11 current regulations while we're still debating and
12 developing the new regulations for Title 24.

13 We would prefer a longer or more parallel
14 timeline on the removal of HERS from Title 20 to ensure
15 that the timing of the new regulations under Title 24
16 provide us ample opportunity for all of us to discuss the
17 proposed changes, which have been noted are pretty
18 significant and important, that we would want to make sure
19 that we are working together on those regulations for our
20 shared goals of consumer protection while also ensuring
21 that consumer costs don't adversely impact consumer
22 participation or adoption.

23 We look forward to working with the CEC staff on
24 this issue and again would urge you to consider slowing
25 down the process so we can closely parallel Title 20 and

1 Title 24 Regulations at the same time.

2 Thank you very much.

3 MR. LOYER: Thank you, Karen.

4 I'm going to go ahead and pause this and reset
5 it. There we go.

6 MS. WHITE: Joe, I'm not seeing any other raised
7 hands at the moment. How about we give people a couple of
8 minutes in the event that they would like to ask questions?

9 Again, if you would like to ask questions or make
10 comments, you are invited to please click the raise-hand
11 button at the bottom of your screen on the Zoom call and we
12 are happy to call on you.

13 MR. LOYER: There is another question in the Q&A
14 box here. I'll go ahead and read that one. This is from
15 Will Simco.

16 "Why can't the CEC finalize the changes to the FV&DT
17 Program and adopt the FV&DT program into Title 24
18 before revoking the HERS program from Title 20?"

19 Shall I answer that one?

20 MS. WHITE: Well, we're going to be answering
21 that one in more detail in our response to comments.

22 MR. LOYER: Okay. So we will answer that in
23 response to comments during this formal rulemaking, so we
24 will take that comment and record it.

25 MS. WHITE: Yes, we will.

1 And I do believe Peter Waring has raised his hand
2 again.

3 Peter, did you have more comments you would like
4 to make? And if so --

5 MR. WARING: Yes. Can you hear me?

6 MR. LOYER: Yeah.

7 MR. WARING: So somewhere in the arguments in
8 favor of making these changes was a statement, which I
9 believe is incorrect, that it would have little economic
10 impact. And I believe there's over a thousand HERS raters
11 throughout the state of California, including myself, who
12 have this role as a part of our livelihood. And to pull
13 the rug out from under these HERS raters, who I believe are
14 having a very positive and significant impact on the
15 industry, would be really unfortunate.

16 If anything, I think we need to have more ways of
17 contractors and designers thinking about how their
18 buildings are actually going to perform when they're done
19 putting together and not just look nice and sell for a good
20 price. So I think that having field verification and
21 diagnostic testing is an important function that the HERS
22 raters are serving now to communicate on a job by job basis
23 with the people who are actually designing and building
24 these and then living in them.

25 So once again, I would really regret to see this

1 role removed, which I think is a very valuable one in the
2 building performance industry.

3 Thank you.

4 MS. WHITE: Thank you, Peter.

5 We just want to re-emphasize something we've said
6 several times in this presentation already. None of the
7 changes we are proposing will actually eliminate the Field
8 Verification and Diagnostic Testing Program or eliminate
9 the Voluntary Whole-House Program. Both are intended to
10 continue.

11 Peter, I will be posting a link to the materials
12 and the descriptions of what we're considering as part of
13 the enhancements to the Title 24 provisions related to the
14 Field Verification and Diagnostic Testing Program. I do
15 believe your comments would be appropriate for that
16 proceeding as well. And I also invite you to read the
17 staff report, which outlines the kinds of changes and
18 enhancements we're proposing.

19 MR. LOYER: So there are a couple of more
20 comments in the Q&A. Just to read them out very quickly,
21 from Giovanna Sorrell,

22 "Will current HERS raters be the testers for FV and DT
23 in the modified 2025 Title 24 -- let me just stop that
24 clock real quick -- Title 24 diagnostic code?

25 And I guess we will reply to that during the

1 rulemaking procedures.

2 Then from Jeremiah Ellis, "If this is an open
3 discussion, how come the CEC can't answer Will Simco's
4 question now?"

5 That is a procedural question that we can't
6 answer at this point.

7 When we're in formal rulemaking, it is much
8 different than when we're in a pre-rulemaking situation
9 where we can have somewhat of a back and forth discussion.
10 In formal rulemaking, we are required to write down
11 everybody's comment and respond formally to it in writing.
12 So in that sense of it, we can answer these questions, but
13 we have to do it through the formal process, so we're
14 restricted in that way.

15 MR. SOKOL: Joe, let me just add to that to say,
16 you know, really, thank you for the comments. We will be
17 considering all these comments and responding to the
18 comments in the Final Statement of Reason as required and
19 as a standard as part of our rulemaking process.

20 And just to reiterate the scope and purpose of
21 this public hearing today is to gather those comments for
22 the formal rulemaking as opposed to other sort of workshops
23 that we've had in the past that are more intended to be
24 more interactive and forth. So we really do encourage
25 folks to provide those comments and that input into the

1 formal proceeding. And we will absolutely be considering
2 and responding to each of those over time according to the
3 procedures, so thank you.

4 MR. LOYER: I can also add that we have read
5 every one of the 166 comments that have come in so far.
6 And they will also be all replied to in this process.

7 David Chu has also posted, "Will the cost of the
8 Title 24 rules be factored into the Title 20 rulemaking? "

9 So we will respond to that one as well. Thank
10 you, David.

11 I'm not seeing any hands at the moment. The
12 phone lines are available, as they say, so feel free to
13 raise your hand and make any comments that you would like
14 to make. And I will fix this timer.

15 MS. WHITE: And if you are on the phone, a
16 reminder is to raise your hand, please press star nine and
17 then we'll be able to call on you. And then once you're
18 called upon, we ask that you press star six to mute and
19 unmute.

20 I'm just checking to make sure that if there are
21 any hands raised, we see them. Okay.

22 (Pause)

23 MS. WHITE: At this point, Michael, I do believe
24 we have exhausted any comments or questions by
25 participants. If you would like, we can stay online for a

1 little while longer. But otherwise, I am not -- I don't
2 want to hold up everybody unnecessarily if the hearing is
3 concluded.

4 MR. SOKOL: So let me just reiterate again, thank
5 you for all those that have attended today and are
6 participating in this process. We do appreciate the
7 comments that have been provided. We will be considering
8 those and responding as part of our formal rulemaking
9 process. And all of that will factor into the CEC's
10 rulemaking process and decision making on next steps and
11 timing of that process. So again, thank you for taking the
12 time and engaging today and CEC staff will be taking a
13 close look at all the comments provided.

14 Lorraine, with that, I think we can --

15 MS. WHITE: We can --

16 MR. SOKOL: -- unless there's anything else?

17 MS. WHITE: Yeah, there's just a couple of other
18 light housekeeping items.

19 Joe, could you pull up the written comments
20 slide?

21 So for those of you who are interested in
22 providing your comments in writing, many of you have
23 already done so and we truly appreciate that, we wanted to
24 provide this link in the presentation for your convenience
25 so that you can continue to participate through comments in

1 our docket.

2 If you would like to send hard copies, you can
3 certainly do so. The address and the information related
4 to the docket in question is included in that address on
5 this slide presentation.

6 Sending digital copies of your comments, of
7 course, can be sent directly to the docket address, email
8 address, docket at energy.ca.gov, but please do include the
9 docket number, Docket Number 23-HERS-01.

10 For general contact information -- if you would
11 please advance the slide? -- again, the docket itself, some
12 of you already have my email address, my phone number, but
13 here is the contact information. If you have specific
14 questions about the proceedings, I'm more than happy to
15 address them.

16 We also have included here the link to the Title
17 24 proceeding. Again, this is really where the substance
18 of the discussions are taking place. Most of what we're
19 doing in this particular Title 20 is preliminary work that
20 helps to stage for the more important enhancements in the
21 Title 24 proceeding. And that docket is Docket 22-BSTD-03.

22 And we do appreciate all of your time and your
23 consideration and participation in this program. Thank
24 you.

25 Joe?

1 MR. LOYER: There are a couple more Q&As that
2 have popped up here. So it looks like Richard Barlow,
3 "Has the CEC discuss the plan to educate builders,
4 inspectors, and subcontractors moving forward instead
5 of the raters educating parties mentioned after the
6 construction process?"

7 So this rulemaking changes has no impact on any
8 actions the raters and builders may take together. This is
9 only to separate the two programs of Whole-House and FV&DT.
10 But thank you for that comment. We will respond to that
11 formally as well.

12 Paul Venezuela, "I thought they will answer these
13 questions."

14 So, Paul, as part of our procedures and
15 rulemaking, we're not allowed to answer substantive
16 questions through this process. That is a pre-rulemaking.
17 But we will be responding to all questions through the
18 rulemaking process.

19 And Richard, your second comment, all I got was
20 the word "after."

21 And then Shane Veracruz, I think, very sorry for
22 mispronouncing your last name, "Who started this process?"
23 The rulemaking was started in pre-rulemaking back in May of
24 last year by the Energy Commission.

25 And that seems to be the last of the Q&A.

1 And again, just like to reiterate, I really do
2 appreciate all the involvement and the attention and I very
3 much appreciate the opportunity to discuss these issues
4 both in pre-rulemaking and in rulemaking.

5 MS. WHITE: With that, we're going to conclude
6 the hearing. The recording will stop. And we look forward
7 to publishing the formal responses to comments in the
8 statement of reasons. Those will be made available on our
9 docket as this proceeding goes forward.

10 Thank you again. Have a lovely day.

11 (Off the record at 10:45 a.m.)

12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, 2023.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

March 29, 2023