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Filer:	Meagan McFadden
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May 16, 2024

Via CEC Docket 24-BSTD-01

Commissioner Andrew McAllister
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814

RE: CalCERTS Fourth Set of Comments on 45-Day Language for 2025 BEES

The CalCERTS Team would like to clarify comments submitted under TN#256200, adding Provider costs of services to data recording (Section 10-103.3(d)9Biiic) and data reporting (Section 10-103.3(d)11Giiiie) requirements. We are providing answers to the following questions:

- 1. What is meant by 'pricing assigned' and what is the difference between the terms 'pricing' and 'pricing assigned' as used?**

Providers typically list pricing on their websites or registries for the costs associated with registering compliance certificates. Over the years those publicly listed prices have been negotiated between Providers and HERS Rating Companies where the companies are often assigned different pricing than what is advertised. Providers should inform the CEC of the pricing assigned to the Rating Company so that a true and accurate cost assessment of the program can be understood. This is in line with consumer protection and program efficacy.

- 2. Would these terms need to be defined or are they considered industry standard terms?**

These terms would not need to be further defined. ECC Rater Company and ECC Rater Costs associated with Compliance Document Registration are clear. We suggested the terms Field Verification and Diagnostic Testing registration to stay cohesive with the language in the proposed code; however, the term Compliance Document Registration would match the Joint Appendices language and be similarly clear. Either should work.

3. Is the intent to track 'cost of services' and 'quality assurance' fees separately?

The CEC opens the door for Providers to assess QA Fees in this code. If the Provider chooses to add a QA fee it should be disclosed to the CEC. The point is to be transparent about the resources Providers collect to administer the ECC program. If a Provider is charging zero dollars for certificate registration the Provider does not have the resources to administer the proper QA program. Currently, compliance document registration fees are how Providers fund their programs. If Providers assess QA fees those would also be relevant. [Important, any costs not associated with Provider Responsibilities under 10-103.3 should be private to the Provider. As an example, if a Provider wanted to offer HVAC Training.]

CalCERTS comments suggested these costs be included in two sections of the code. It is possible that including the language in only the reporting section would be sufficient.

For Data Recording the CEC should want to know as part of the Quality Assurance information the resources collected for the administration of the QA program. This would need to include certificate registration fees and (if the Provider decided to assess a QA fee) any QA fees. It makes sense for this information to be recorded along with the other QA data. For the Annual Reporting, it makes sense for the Providers to identify the pricing for each ECC Rater Company so that it is transparent to the Commission for oversight and administration of an equitable program. The CEC may want to include any QA Fees in this proposed reporting requirement, but currently, CalCERTS is advocating *that at a minimum* the Field Verification and Diagnostic Testing registration pricing be reported. It could be prudent to require both the registration pricing and QA fees in the reporting section as well.

4. Is the intent to record quality assurance fees, but not report them?

No. The CEC should have access to this data recording via the data access requirements. However, if this is unclear – remove CalCERTS redline suggestions from the data recording section and include QA fees in the data reporting section. In future code updates, the CEC may want to include all pricing such as training, etc. However, the changes proposed relative to certificate registration and QA pricing are those that are directly in support of the reasons in the rulemaking record for Provider reporting.

- e. ECC Provider pricing assigned to the ECC-Rater Company for the costs and services for Field Verification and Diagnostic Testing registration and any QA Fees.

5. Does CalCERTS consider or expect pricing assignments (and pricing), cost of services, and cost of quality assurance fees to be treated as confidential information by the Energy Commission?

No. Not unlike many other heavily regulated private companies, ECC Providers should be transparent to the public on their pricing since it directly impacts the efficacy of the program. Providers are required to maintain the integrity of the program and those costs are passed down to the ratepayers. The CEC should have no role in assigning or dictating pricing, but pricing should be public information if requested. (It doesn't have to be readily available to the public, but also not held as confidential.) To ensure there are no conflicts of interest between ECC Providers and ECC Rating companies, pricing should be reported to the Commission. This is completely in line with the discussions that have been docketed in this rulemaking over the past 18 months and is in line with the Statement of Reasons for these rule changes.

Thank you for your consideration,

That CalCERTS Team



(916) 985-3400



www.calcerts.com



support@calcerts.com



31 Natoma, Suite 120
Folsom, CA 95630