

<b>DOCKETED</b>	
<b>Docket Number:</b>	24-BSTD-01
<b>Project Title:</b>	2025 Energy Code Rulemaking
<b>TN #:</b>	259048
<b>Document Title:</b>	ARCXIS Comments - on 2025 Energy Code Rulemaking, August 2024 15-Day Language
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	ARCXIS
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	9/6/2024 4:41:05 PM
<b>Docketed Date:</b>	9/6/2024

*Comment Received From: ARCXIS  
Submitted On: 9/6/2024  
Docket Number: 24-BSTD-01*

**on 2025 Energy Code Rulemaking, August 2024 15-Day Language**

*Additional submitted attachment is included below.*



September 6, 2024

David Hochschild, Chair  
California Energy Commission  
715 P Street  
Sacramento, California 95814

**RE: Comments on 2025 Energy Code Rulemaking, 24-BSTD-01, August 2024 15-Day Language**

Dear Chair Hochschild:

ARCXIS respectfully submits these comments on the 2025 Building Energy Efficiency Standards, August 2024 Express terms (“August 15-Day Language”), issued on August 22, 2024. In this updated draft, the Commission adequately addresses many of the key concerns previously raised by ARCXIS, and therefore, we urge the Commission to adopt the regulations as currently proposed. As further described below, ARCXIS does recommend that the Commission provide additional guidance on two issues but recommends that the Commission provide these clarifications through an informal guidance document.

ARCXIS supports the following changes included in the August 15-Day Language:

- **ECC Rater Company Cost Information:** Section 10-103.3(f)2F of proposed regulations no longer requires the ECC-Rater Companies to provide average cost of service data to the ECC-Provider, but instead directs ECC-Rater Companies to report this information directly to the Commission. This change ensures that ECC-Providers will not receive an unfair economic advantage through the receipt of this information. ARCXIS strongly supports this change.
- **Publicly Available List of ECC-Raters:** Section 10-103.3(f)2A of the proposed regulations was amended to remove the obligation for ECC-Rater Companies to maintain a publicly available list of its ECC-Raters. The prior requirement would have been administratively burdensome without a clear benefit. ARCXIS strongly supports the removal of this requirement.
- **Penalty if ECC-Provider is Refused Access:** Section 10-103.3(d)5Cig of the proposed regulations was amended to give the ECC-Provider discretion regarding whether to initiate a disciplinary action if the ECC-Provider is refused

access to a development for an onsite audit. This change is an improvement because the ECC-Rater does not have site control and should not be penalized for the actions of the either the developer or the building owner. As described below, ARCXIS recommends that the Commission provide additional guidance to the ECC-Providers on this discretion.

- **Consumer Information Form:** Section 10-103.3(b)1Avii of the proposed regulations was amended to clarify the process for the development of the Consumer Information Form and the process for registering the form with the ECC-Provider. ARCXIS supports these clarifications but does recommend that the Commission provide further guidance as described below.

## **I. Recommendations for Additional Commission Guidance**

As stated above, ARCXIS supports the proposed regulations as amended by the August 15-Day Language. However, there are two areas where we believe that the Commission should provide more guidance. This could be accomplished through an informal guidance document that could be posted to the Commission's website. ARCXIS requests additional guidance on the following two topics:

### **A. Implementation of Consumer Information Form Requirements.**

ARCXIS supports the clarified structure for the creation of the Consumer Information Form and the proposed process for registering the forms with the ECC-Provider. However, ARCXIS requests that the Commission provide guidance on how to meet these requirements for new construction projects. In such circumstances, the building owner may still be the project developer and, with the very limited exception of homeowners building their own new homes, the future occupants may not be readily identifiable. ARCXIS recommends that the Commission develop a guidance document that provides direction for meeting these requirements for new construction. We recommend that the Commission clarify that the project developer, builder, or General Contractor can qualify as the homeowner representative for purposes of completing the Consumer Information Form. In addition, the Commission should clarify that in the case of a development of multiple homes, such as the construction of a new community or subdivision, that a combined registration form can be used.

### **B. ECC-Provider Penalty Discretion**

ARCXIS supports the change to Section 10-103.3(d)5Cig of the proposed regulations which clarifies that the ECC-Provider has the discretion as to whether to initiate a disciplinary action if the ECC-Provider is refused access to a development for an onsite audit. ARCXIS recommends that the Commission provide guidance to ECC-Providers regarding this discretion and specifically to not penalize an ECC-Rater if the rater has taken all necessary actions to support the audit but where the developer, builder, general contractor, or building owner has refused the ECC-Provider with access. ECC-Raters should not be penalized for actions that are completely outside of their control.

## **II. Recommendations for Further Changes to the Proposed Regulations**

As stated above, ARCXIS believes that, on balance, the proposed regulations represent a significant improvement and support their adoption. However, if the Commission does release an additional draft of regulations, ARCXIS urges the Commission to consider making the change describe further below.

### **A. Delegation of Signature Authority for Certificates of Verification**

ARCXIS supports providing ECC-Rater Companies with the same authority to sign Certificates of Verification on behalf of individual ECC-Raters as they do the HVAC Contractors for signing Certificates of Installation. As we have previously described, ECC-Rater Companies may have centralized document submission processes that are streamlined to reduce costs and reduce delays. Allowing the ECC-Raters to delegate signing authority to ECC-Rater Companies support this streamlining and helps to reduce costs. If the Commission releases a subsequent draft of regulations, the Commission should amend Section 10-103.3(b)2C to provide ECC-Rater Companies the ability to sign on behalf of individual ECC-Raters to the same extent and subject to same restrictions as is provided for Certificates of Installation.

## **III. Conclusion**

ARCXIS thanks the Commission and staff for receiving our comments. Please reach out to me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Risch". The signature is written in a cursive, flowing style.

Jonathan Risch, ARCXIS

Cc: Commission McAllister