

**CALIFORNIA ENERGY COMMISSION
NOVEMBER 20, 2008 BUSINESS MEETING**

**HERS COMMENTS BY JEFF CHAPMAN
CALIFORNIA LIVING ENERGY**

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CHAIRPERSON PFANNENSTIEL: But this is a notice period. And I don't see, I don't have any blue cards. I'm sorry, I do have a blue card. Somebody wanted to speak on this, very good. Jeff Chapman for California Living Energy.

MR. CHAPMAN: Thank you very much, Commissioners and staff and ladies and gentlemen. To introduce, I am Jeff Chapman with California Living Energy. And today I am also speaking for the nonprofit group, CalHERS. Since the late 1970s the California Energy Commission has accomplished more in saving the state of California energy than any other state agency in this country. I will not bore you with the data of how our carbon footprint has been reduced, although we want to reduce it more. How energy has been saved, the benefits of homeowners in saving energy and also commercial buildings saving energy. And also the fact that you have accomplished your goals. In this process you have stuck to a very strict policy. You have had a plan that's worked and you have become the envy of every state in this nation in terms of energy use and the way energy is managed. And you also have become the envy of even other countries. My comments today are in the nature of an inquiry, which is far different from anything else. So I am simply asking a question. And the question will focus on one of the ways you have made sure energy has been saved and builders have done an excellent job. And that is your implementation of the third-party system. We know that system has worked. We also know that you have listened to many challenges from groups, special interest groups, from lots of different sources of input and even from lawyers. You know from your experience that this independent verification process of implementing Title 24 calculations vis-...-vis HERS requirements has indeed been very successful. The independent verification promotes integrity and minimizes vested interest groups from doing the kinds of things they would like to do for their interests. As most of you are aware the Energy Commission is now investigating a nationwide corporation for possible violation of this conflict of interest in third-party testing. What I would like to inquire about, and simply inquire, is in the language of HERS II in Section 8.2 there is an option now for indeed performance contractors to do the work at an existing residence. To provide either work and/or additions like windows. Maybe not total work but windows and other things. And also to be certified to be their own rater, to do their own rating. That would seem to fly in the face of what you have done for so many years to accomplish in keeping rating a third-party, separate issue. And I guess from my experience in doing depositions and also from the outside looking into the legal system, they are always looking for one thing and it is called precedent. Precedent. And when they find precedent they come after that weakness and challenge the system to try to win their client's case. Not usually based on truth but on precedent. And from the way the economics are, it would be much wiser for my clients to take that precedent of

saying, well Energy Commissioners, you have already allowed the performance contractors to do their own rating and to certify. Now I want -- As a nationwide builder I want you to allow my employees to be trained as HERS raters and they can do the rating for my company. That's a possibility. Not a threat, a possibility. As an Employee of California Living Energy we have enjoyed this relationship for 5 years. I guess we have been through three just since 2000. I have enjoyed meeting staff members and the interactions and the acceptance and the kindness. And as a member of CalHERS I would like to suggest to you that you uphold the third party standard and not allow the performance based contractors to be rated and to do their own inspections in keeping tune with what you have always upheld. I thank you so much for your time and for your interest and getting input from you. Thank you.