

# DOCKET

08-CRI-1

DATE MAR 25 2009

RECD. MAR 27 2009

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STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

CALIFORNIA LIVING & ENERGY (a Docket Number 08-CRI-01  
division of William Lilly & Associates, Inc.)  
and DUCT TESTERS, INC.,

Complainants,

Affidavit of Steve Weber

vs.

MASCO CORPORATION and  
ENERGYSENSE, INC.,  
Respondents.

Being first duly sworn under oath, Steve Weber deposes and states as follows:

1. I am the District Manager for Coast Insulation Contractors, Inc. I have personal knowledge of all facts set forth below. In my capacity as District Manager for Coast Insulation Contractors, Inc., I am responsible for overseeing the management, operations and performance of the company.

2. Coast Insulation Contractors, Inc. is a wholly-owned direct subsidiary of American National Services, Inc., which is itself an indirect wholly-owned subsidiary of Masco Corporation.

1           3.       Coast Insulation Contractors, Inc. installs insulation in California homes.

2           4.       Coast Insulation Contractors, Inc. does not install ductwork in California  
3 homes, nor any other improvement (besides insulation) that is subject to Title 24 HERS  
4 field verification or testing.

5           5.       Coast Insulation Contractors, Inc. does not receive direction from Masco  
6 Corporation regarding insulation installation work or HERS testing governed by Title 24  
7 HERS requirements.

8           6.       Coast Insulation Contractors, Inc. has provided no loans, cash advances or  
9 any other financing to EnergySense, Inc.

10          7.       Coast Insulation Contractors, Inc. provides invoicing and payment  
11 collection services for EnergySense, Inc. in exchange for the ability to offer a more  
12 comprehensive set of services to builders.

13          8.       Bids submitted to builders by Coast Insulation Contractors, Inc. for  
14 installation work and for HERS field verification and diagnostic testing by HERS raters  
15 employed by EnergySense, Inc. are generally evaluated by the builders on a standalone  
16 basis, allowing the builders to pick from a variety of service options.

17          9.       Payments received by Coast Insulation Contractors, Inc. from builders for  
18 field verification and testing services performed by a HERS rater employed by  
19 EnergySense, Inc. are passed through to EnergySense in their entirety without any  
20 administrative or other charge subtracted from the total payment by Coast Insulation  
21 Contractors, Inc.

22          10.      The use of bid forms bearing EnergySense's name in the letterhead by the  
23 Concord, California division of Coast Insulation Contractors, Inc., was done at the sole  
24 initiative of that installation division, without the knowledge or approval of EnergySense.  
25 The bid forms incorrectly identify EnergySense as a division of Masco Contractor  
26 Services. Use of those bid forms bearing EnergySense's name has been discontinued.

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MASCO CORP

313 792 4176 P.04/04

1 I swear or affirm, under penalty of perjury under the laws of the State of the  
2 California, that all facts set forth herein are true and correct.

3 FURTHER AFFIANT SAYETH NOT.

4 Executed this 25<sup>th</sup> day of March, 2009.



Steve Weber

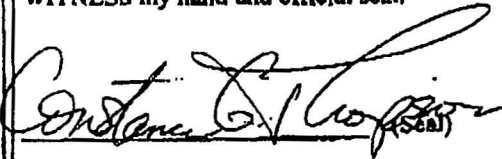
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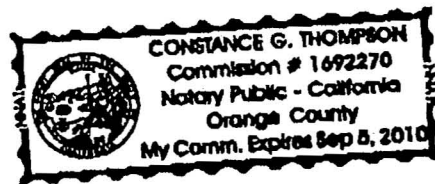
9 County of )

10 On March 25, 2009 before me Constance G. Thompson, Notary Public, personally appeared Steve  
11 Weber, who provided to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
12 subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
13 his/her/their authorized capacity/ies, and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) executed the instrument.

14 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true  
15 and correct.

16 WITNESS my hand and official seal.

17  (Seal)



19 Notary Public

**PROOF OF SERVICE**

*California Living & Energy v. MASCO Corporation*  
Docket No. 08-CRI-01

I, Diane Donner, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court and at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Sonnenschein Nath & Rosenthal, 525 Market Street, 26<sup>th</sup> Floor, San Francisco, California 94105.

On March 27, 2009, I served the following documents, filed electronically with the State of California Energy Resources Conservation and Development Commission, and described as

1. **Affidavit of David Bell**
2. **Affidavit of Jim Brewer**
3. **Affidavit of Israel Calleros**
4. **Affidavit of Dan Calton**
5. **Affidavit of Mark Curry**
6. **Affidavit of Richard A. Davenport**
7. **Affidavit of Steven Heim**
8. **Affidavit of Jaime Padron**
9. **Affidavit of Richard Smith**
10. **Affidavit of Steve Weber**
11. **Affidavit of Sharon Werner**
12. **Affidavit of Timothy Williams**

on the interested parties in this action by placing a true copy thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Sonnenschein Nath & Rosenthal LLP, addressed as follows:

Brett L. Dickerson (via e-mail also)  
Gianelli & Associates PLC  
1014 16th Street  
P.O. Box 3212  
Modesto, CA 95353

Dave Hegarty  
Duct Testers, Inc.  
P.O. Box 266  
Ripon, CA 95366

Carol A. Davis  
CHEERS Legal Counsel  
3009 Palos Verdes Drive West  
Palos Verdes Estates, CA 90274

Galo LeBron, CEO  
Energy Inspectors  
1036 Commerce Street, Suite B  
San Marco, CA 93078

John Richau, HERS Rater  
Certified Energy Consulting  
4782 N. Fruit Avenue  
Fresno, CA 93705

Mike Hodgson  
ConSol  
7407 Tam O'Shanter Drive  
Stockton, CA 95210-3370

Mike Bachand  
California Certified Energy Rating &  
Testing Services (CalCERTS)  
31 Natoma Street, Suite 120  
Folsom, CA 95630

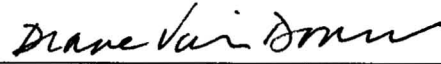
Randel Riedel  
California Building Performance  
Contractors Association (CBPCA)  
1000 Broadway, Suite 410  
Oakland, CA 94607

Robert Scott  
California Home Energy Efficiency  
Rating System (CHEERS)  
20422 Beach Boulevard  
Huntington Beach, CA 92648

Bill Lilly, President  
California Living & Energy  
3015 Dale Court  
Ceres, CA 95307

- ☒ U.S. MAIL: I am personally and readily familiar with the business practice of Sonnenschein Nath & Rosenthal for collection and processing of correspondence for mailing with the United States Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the United States Postal Service.
- ☐ FACSIMILE TRANSMISSION: I caused such document to be sent by facsimile transmission at the above-listed fax number for the party.
- ☐ FEDERAL EXPRESS: I served the within document in a sealed Federal Express envelope with delivery fees provided for and deposited in a facility regularly maintained by Federal Express.
- ☐ HAND DELIVERY: I caused such document to be served by hand delivery.

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct, and that this declaration was executed on March 27, 2009, at  
3 San Francisco, California.  
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6 DIANE VIVIAN DONNER  
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