

September 16, 2011

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 9-AB 1103-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us

DOCKET	
09-AB 1103-1	
DATE	SEP 16 2011
RECD.	SEP 16 2011

Re: Comments of the California Energy Efficiency Industry Council on AB 1103 Pre-Rulemaking Proceeding – Committee Workshop and Revised Draft Regulation (Docket No. 9-AB 1103-01)

To Whom It May Concern:

The California Energy Efficiency Industry Council (Efficiency Council) respectfully submits these comments in response to the September 12, 2011 Committee Workshop and Revised Draft Regulation as part of the AB 1103 Pre-Rulemaking Proceeding.

The Efficiency Council is a statewide trade association of non-utility companies that provide energy efficiency services and products in California.¹ Our member businesses, now numbering over 50, employ over 4,000 Californians throughout the state. They include energy service companies, engineering and architecture firms, contractors, implementation and evaluation experts, financing experts, workforce training entities, and manufacturers of energy efficiency products and equipment. The Efficiency Council's mission is to support appropriate energy efficiency policies, programs, and technologies that create sustainable jobs and foster long-term economic growth, stable and reasonably priced energy infrastructures, and environmental improvement.

Efficiency Council strongly supports the Energy Commission's efforts to implement nonresidential building benchmarking and rating requirements that encourage energy efficiency and appreciates the opportunity to provide comments. We believe that benchmarking, rating, and effective labeling are important in financial transactions, as required by AB 1103. However, as our members work with commercial building owners and tenants everyday to develop and implement energy efficiency, we also encourage the Energy Commission to consider ways to facilitate making such benchmarking and rating information widely available and apparent to building tenants, customers, visitors, and others in order to motivate further efficiency improvements and maximize the impact of the regulations on increasing energy savings.

Our comments on the Committee Workshop and Revised Draft Regulation are summarized as follows:

¹ More information about the Efficiency Council can be found at www.energycouncil.org.

- The Efficiency Council supports the Energy Commission’s efforts to develop the California Building Energy Performance Rating and associated disclosure document in addition to the ENERGY STAR Portfolio Manager Statement of Energy Performance. A colorful, graphical, and intuitive rating report that covers more building types will facilitate more effective disclosure by building owners in financial transactions and create a widely recognizable format for owners who wish to communicate energy ratings to prospective renters and buyers.
- The Efficiency Council recommends the Energy Commission include mixed-use buildings in the regulation to the extent possible. Given many cities’ existing mixed-use building stock and policy trends encouraging more mixed-use, lower-environmental impact development, such buildings should be considered for the near-term benchmarking and disclosure in AB 1103. In addition, we highly encourage the Energy Commission to assess options for benchmarking and rating mixed-use buildings with substantial residential multi-family occupancy since the efficiency of these buildings directly affects many Californians for whom energy costs are substantial.

A. The Efficiency Council supports the Energy Commission’s efforts to develop a California Building Energy Performance Rating and associated disclosure document that is colorful, graphical, and intuitive, and can also easily be used by building owners who want to publicly disclose their energy ratings.

The Efficiency Council believes that a widely recognizable, colorful, and intuitive building energy disclosure report format is important to increase visibility of the rating (and effectiveness) among the many documents involved in financial real estate transactions but also to facilitate easier public disclosure by building owners who desire it. As a result, to increase the effectiveness of AB 1103, we encourage the Energy Commission to encourage broad use of the California Building Energy Performance Rating document proposed during the Committee Workshop or a similar visually appealing format like the ASHRAE Building Energy Quotient (Building EQ) label that can be simply generated for any building complying with AB 1103. Such a label is also a good first step in encouraging the public use of energy ratings by building owners who want to realize the value of their energy efficiency improvements in attracting tenants, buyers, and customers.

We also support the Energy Commission’s development of the California Building Energy Performance Rating since it covers building types not included in EPA ENERGY STAR Portfolio Manager or ASHRAE Building Energy Quotient (Building EQ) label. Expanding ratings and labeling to all California nonresidential buildings will encourage greater energy efficiency throughout the state than with use of the Portfolio Manager alone.

B. The Efficiency Council recommends the Energy Commission include mixed-use buildings (e.g., commercial with multi-family residential) in the regulation to the extent possible.

The Efficiency Council recommends that the proposed regulation be clarified to specify the conditions under which owners of mixed-use buildings (e.g., buildings with commercial and residential) should participate. Given that many cities have existing mixed-use building stock and many municipalities have policies to encourage more mixed-use, lower-environmental impact development, we believe that AB 1103 should include such buildings in the regulation, especially in cases where there is substantial nonresidential occupancy. We also recommend that, going forward, the Energy Commission assess options for benchmarking mixed-use buildings with both significant nonresidential and residential occupancy (including multi-family buildings). This is especially important for equity purposes because benchmarking and disclosure can lead to whole

building energy efficiency improvements that directly impact many Californians for whom energy costs are a substantial portion of their family expenditures.

Conclusion

The building benchmarking and rating requirements in AB 1103 provide great opportunities to encourage cost-effective energy efficiency improvements in California buildings. The Efficiency Council appreciates the opportunity to offer comments on the AB 1103 Pre-Rulemaking Proceedings. We look forward to working with the Energy Commission and other stakeholders to ensure continued energy savings in California.

Sincerely,

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

Audrey Chang
Executive Director
achang@efficiencycouncil.org