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February 27, 2012

Commissioner Karen Douglas
Lead Commissioner for Energy Efficiency
California Energy Commission
1516 9th St., MS-31
Sacramento, CA 95814

DOCKET	
11-BSTD-01	
DATE	FEB 27 2012
RECD.	FEB 27 2012

RE: Comments on Docket 10-BSTD-01, "Proposals For Certification of Acceptance Testing Field Technicians For Mechanical Systems and Lighting Controls"

Dear Commissioner Douglas:

Please reconsider Docket 10-BSTD-01, "Proposals For Certification of Acceptance of Field Technicians For Mechanical Systems and Lighting Controls," as drafted at present; we believe that this proposal is wrong, and inaccurate. I am a licensed engineer as well as working for a union mechanical contractor and I see this as very bad and shortsighted policy. Engineers are the most familiar with the code and the performance of systems they design.

As currently written, the proposal would allow only licensed testing, adjusting, and balancing (TAB) and electrical contractors to perform acceptance tests, as required by Title 24, the state's non-residential energy code. Licensed engineers, commissioning agents, control contractors, general contractors, and other parties uniquely qualified to analyze test results relative to the building envelope would be prohibited from conducting these assessments. As a result, the number of individuals permitted to perform these tests would be restricted dramatically, which will raise the costs of compliance, while, diminishing the effectiveness of these tests. Moreover, the proposal would unreasonably prohibit engineers and other individuals from performing duties that they are well-qualified to do.

To give the final verification of a system to a small group of union contractors is a very poor concept. The sheet metal workers that we employ are in no-way able to understand the complete performance of a system. I work with testing and balancing contractors frequently and they are always calling me to ask questions about the system they are testing and balancing. They are paid to gather data and not understand code compliance. Most of them do not even own a copy of the California Building Code.

Construction projects are understood, regarding the broad scope of the project by the Engineers, better than the testing and balancing contractors. Testing and balancing contractors are looking to complete testing of the project to meet with the design of the engineer and the intent of the plans, and are not the ones that are familiar with the code requirements and the big picture of the project compliance. Removing the engineers from verification of code compliance is only meeting a request of labor unions trying to capture a bigger hold over the construction dollars in this state. This is bad policy and should not be enacted.

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We recommend that the proposal be rejected on the following grounds:

- Prohibiting the correct individuals from verifying compliance.
- Restraint of trade; Backing Unions over the qualified individuals.
- Possible increased costs of compliance with state standards; Which are already the highest in the nation!!
- Exclusion of qualified individuals from performing the work in favor of less qualified, special interest groups.
- Actually prohibiting third-party independent testing of “systems”; Which can be the most accurate.
- Decreased quality of acceptance testing due to a lack of expertise and experience.

Should you need further clarification of our position, please feel free to contact us for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis M. Enns". The signature is fluid and cursive, with a large initial "D" and a long horizontal flourish extending to the right.

Dennis M. Enns, PE
Chief Mechanical Engineer
Lyles Mechanical Co.
DME Letter to the California Energy Commission Regarding Verification Testing.