



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

DOCKET

12-CAI-1

DATE APR 20 2012

RECD. APR 20 2012

IN THE MATTER OF

***COMPLAINT AGAINST AND REQUEST
FOR INVESTIGATION OF CALCERTS, INC.***

Docket No. 12-CAI-01

**COMMITTEE ORDER
REQUIRING ENERGY COMMISSION STAFF TO IDENTIFY THE
COMMISSION STAFF MEMBER(S) MOST KNOWLEDGEABLE ABOUT
THE COMMISSION'S HOME ENERGY RATING SYSTEM
AND
REQUIRING PARTICIPATION OF THE IDENTIFIED STAFF MEMBER(S)
AT THE MAY 11, 2012 EVIDENTIARY HEARING**

Background

On February 15, 2012, Complainants filed a *Complaint Against and Request for Investigation of CalCERTS, Inc.* ("Complaint"). The Complaint alleges CalCERTS, Inc., a Provider, violated the Energy Commission's Home Energy Rating System (HERS) regulations and improperly revoked the Complainants' Rater certification. The HERS program establishes criteria for a statewide home energy rating program. Under the program, home energy rating system organizations that are approved by the Energy Commission (called "Providers") administer a home energy rating system. Providers are responsible for training, testing, and certifying "Raters," who perform the tests necessary to establish HERS ratings.

The Complaint asks the Commission to grant the following relief:

- 1) Immediately reverse the decision of CalCERTS to decertify Erik Hoover and Patrick Davis.
- 2) Investigate the way CalCERTS imposes discipline upon HERS raters who are alleged to have made mistakes.
- 3) Require CalCERTS to adopt a written discipline procedure that complies with the HERS regulations, and with the constitutional requirements of due process.

By an order dated March 5, 2012, the Commission Chair directed the Commission's Chief Counsel's Office to serve the Complaint on Respondents. As provided in the

Commission Regulations, Respondent had 21 days from the date of service to file an answer to the Complaint. Respondent filed a timely Answer.

By an order dated April 18, 2012, the Committee designated by the Energy Commission to conduct proceedings on the Complaint and request for investigation brought by Erik Hoover and Patrick Davis (Complainants) against CalCERTS, Inc. (Respondent), has scheduled a prehearing conference for May 8, 2012 and an evidentiary hearing for May 11, 2012.

Commission Staff's Participation at the Evidentiary Hearing

As discussed above, the Complaint allegations pertain to the Commission's HERS program. The Committee seeks informational background and clarification to further understand how Commission staff implements the HERS program and how such implementation relates to the Complaint proceedings. Accordingly, under the authority of California Code of Regulations, title 20, section 1203, subdivision (a), the Committee directs Commission staff as follows:

1. **By 12:00 noon on Friday, May 4, 2012**, serve on the Committee and persons identified on the proof of service list, a document identifying Commission staff who are subject matter experts with detailed knowledge and understanding regarding the implementation of the Commission's HERS program. This document must also be filed with the Commission's docket unit by **12:00 noon on Friday, May 4, 2012**.
2. Commission staff identified as HERS program subject matter experts shall appear at the May 11, 2012 hearing and provide sworn testimony in response to Committee and party questions.
3. If Commission staff wishes to introduce documents for possible admission into the hearing record, they must attend the prehearing conference scheduled for May 8, 2012, and submit a list identifying exhibits they intend to offer into evidence, as specified in the Notice of Prehearing Conference and Evidentiary Hearing issued on April 20, 2012.

IT IS SO ORDERED.

Dated: April 20, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Committee re Complaint and Investigation
Against CalCERTS, Inc.

Original Signed By:

CARLA PETERMAN
Commissioner and Associate Member
Committee re Complaint and Investigation
Against CalCERTS, Inc.



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***IN THE MATTER OF
COMPLAINT AGAINST AND REQUEST
FOR INVESTIGATION OF CALCERTS, INC.***

**Docket No. 12-CAI-01
(EST. 3/23/12)**

RESPONDENT

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ENERGY COMMISSION

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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on April 20, 2012, I served and filed copies of the attached COMMITTEE ORDER REQUIRING ENERGY COMMISSION STAFF TO IDENTIFY THE COMMISSION STAFF MEMBER(S) MOST KNOWLEDGEABLE ABOUT THE COMMISSION'S HOME ENERGY RATING SYSTEM AND REQUIRING PARTICIPATION OF THE IDENTIFIED STAFF MEMBER(S) AT THE MAY 11, 2012 EVIDENTIARY HEARING, dated April 20, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/HERS/12-cai-01/index.html>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- ☒ Served electronically to all e-mail addresses on the Proof of Service list;
- ☒ Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- ☒ by sending an electronic copy to the e-mail address below (preferred method); **OR**
- ☐ by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT

Attn: Docket No. 12-CAI-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- ☐ Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed By:

RoseMary Avalos
Hearing Advisers Office