



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

California Energy Commission

DOCKETED
12-CAI-02

TN # 65916

JUN 22 2012

IN THE MATTER OF

***COMPLAINT AGAINST AND REQUEST
FOR INVESTIGATION OF VALLEY
DUCT TESTING***

Docket No. 12-CAI-02

**COMMITTEE RULING CONDITIONALLY DISMISSING CALCERTS, INC.'s COMPLAINT AGAINST
AND REQUEST FOR INVESTIGATION OF VALLEY DUCT TESTING**

On April 13, 2012, CalCERTS, Inc. filed a Complaint Against and Request for Investigation of Valley Duct Testing ("Complaint"). The Complaint essentially alleges that Valley Duct Testing (VDT) engages in business practices that encourage or require "Raters" to violate Energy Commission's Home Energy Rating System Program. (Cal. Code Regs., tit.20, §§ 1670 – 1675.) The Committee evaluated the Complaint for sufficiency and merit. (Cal. Code Regs., tit.20, § 1232, subd. (a)(1).)

Upon careful review of the Complaint allegations, the Committee finds that the Complaint does not address two essential matters: (1) whether, and how, the Energy Commission has jurisdiction over VDT, who is neither a "Rater" nor a "Provider" regulated by the HERS Program and (2) specific HERS Program provisions allegedly violated by VDT. CalCERTS may address these matters in an amended complaint filed by 4:30 p.m. on July 6, 2012. The Committee will treat the amended complaint as a new complaint subject to the timeline and requirements of California Code of Regulations, title 20, section 1232.

If CalCERTS chooses not to file an amendment, the Complaint shall be deemed dismissed, without prejudice, effective 4:31 p.m. on July 6, 2012.

IT IS SO ORDERED.

Dated: June 22, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Committee re Complaint and Investigation
Against Valley Duct Testing

Original Signed By:

ANDREW McALLISTER
Commissioner and Associate Member
Committee re Complaint and Investigation
Against Valley Duct Testing



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Docket No. 12-CAI-02

(EST 6/6/2012)

RESPONDENT

Valley Duct Testing
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RESPONDENT'S COUNSEL

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INTERESTED

AGENCIES/ENTITIES/PERSONS

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North Highlands, CA 95660

**ENERGY COMMISSION -
DECISION-MAKERS**

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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on June 22, 2012, I served and filed copies of the COMMITTEE RULING CONDITIONALLY DISMISSING CalCERTS, INC.'S COMPLAINT AGAINST AND REQUEST FOR INVESTIGATION OF VALLEY DUCT TESTING, dated June 22, 2012.

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:

- X Served electronically to all e-mail addresses on the Proof of Service list;
- X 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:

- X 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-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

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
michael.levy@energy.ca.gov

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