

Energy - Docket Optical System

From: Dave Hegarty [davehegarty@ducttesters.com]
Sent: Monday, September 23, 2013 3:12 PM
To: Brehler, Pippin@Energy
Subject: RE: Providers discipline

California Energy Commission

DOCKETED
12-HERS-1

TN 72004

SEPT. 23 2013

Not at all and I thank you. dave

"Quality Energy Consulting With The Testing To Prove It"

-----Original Message-----

From: Brehler, Pippin@Energy [mailto:Pippin.Brehler@energy.ca.gov]
Sent: Monday, September 23, 2013 3:09 PM
To: Dave Hegarty
Subject: RE: Providers discipline

Dave,

Unless you object, I will docket this entire email chain in the HERS Informational Proceeding in accordance with my prior message. Mr. Ashuckian will receive a copy.

Best regards,

Pippin
(916) 654-5056

-----Original Message-----

From: Dave Hegarty [mailto:davehegarty@ducttesters.com]
Sent: Monday, September 23, 2013 3:05 PM
To: Brehler, Pippin@Energy
Subject: RE: Providers discipline

Pippin: unfortunately it was your office that promised the cooperation of the LEGAL staff and now you all are saying the same thing over and over. Someone has to respond because it was the legal staff who promised it to my legals. This is documented. This is getting uglier and uglier and the CEC staff is not following their very own promises.... please help and pass this along to your supervisor and Legal department. Dennis and his boss were the ones that asked for the cooperation and I do not feel that the CEC legal is really responding. This was a very encouraging and cooperative promise so that we would not take this next step in that battle and now you are telling me that the LEGALS and the CEC staff are not wanting to live up to the promises made. There were NEXT STEPS in the Masco deal and we did not take them because of the promise.

Please pass this along to Mr. Ashukian

As to not responding that would be totally inappropriate for the CEC to participate in lack of communication in such a serious matter.

I respect and admire your concerns but please also understand mine. And look at the way the CEC is diverting attention away from this issue. If it were you Sir, it would not be a pleasant experience either. Please keep in mind, this is not meant in any way to be disrespectful to you or to the CEC. Thank you dave

"Quality Energy Consulting With The Testing To Prove It"

-----Original Message-----

From: Brehler, Pippin@Energy [mailto:Pippin.Brehler@energy.ca.gov]
Sent: Monday, September 23, 2013 12:48 PM
To: Dave Hegarty
Subject: RE: Providers discipline

Dave,

Thank you again for your concerns and efforts to improve the HERS Program. I must reiterate that the Energy Commission appreciates and wants your comments and concerns, and that it opened the Informational Proceeding to address the concerns you raise. In order to ensure your views are considered, please submit them to the docket; you may copy staff or me if you want to ensure they are brought to our attention. But, I am only an advisor to the Commission in its decision-making.

If you send me anything further, I will not be in a position to respond directly, and will docket your comment to ensure that it is in the record of the proceeding.

As I mention below, if you believe that the requirements of the HERS program are not being met and that the OII is not an adequate mechanism to address your concerns, then you may bring a complaint before the Commission.

Best regards,

Pippin
(916) 654-5056

-----Original Message-----

From: Dave Hegarty [mailto:davehegarty@ducttesters.com]
Sent: Thursday, September 19, 2013 4:28 PM
To: Brehler, Pippin@Energy
Subject: Re: Providers discipline

Pippin. Unfortunately these are not hypothetical situations. The rules were violated, the Commissioners heard first hand, how it was violated, the Chief Consul, through Dennis offered this open door, come see us policy, so as to save further embarrassment as in the Masco, (his words not mine) and now we keep going back to the OII for which it was not a public forum and I was asked to remove interested Rater from the meeting (dis invite) and all were told this is a private and non public meeting.

The dilemma is that the OII continues even After the PA advised it should not.

The Commissioners heard the violations

And yet no one is talking about how it should be handled, past and forward as well as what should a provider be held accountable for.

It is not my desire to go to the 1231 rule but we keep coming back to it by your advise and that of Mr. Gomez. Who would be able to hear it, the commissioners cannot because they would be witnesses. It's a complicated issue and no one wants to talk about but how is the OII and HERS discipline credible without providers following the rules and leading by example? If HERS raters find no credibility, it will never work. We have to go back and straighten out the provider rules and then address the Rater discipline so as not to loose the Rater respect for the program.

Please help me. I know this is not a popular topic and I have made a bed that is dangerous for me as to providers but let's all Be realistic. How did we get here?

The Masco issue cost is all credibility and time as well as dollars.

Can were discuss with Consul and Mr. Ashukian (sp) ?

Sent from my iPhone

On Sep 19, 2013, at 4:05 PM, "Brehler, Pippin@Energy" <Pippin.Brehler@energy.ca.gov> wrote:

> Dave,

>

> I have assumed many of Dennis' responsibilities, including on matters related to the HERS program. You contacted the best person in our office regarding these matters. And I discussed your concerns with our Chief Counsel and my Assistant Chief Counsel.

>

> The Energy Commission has a strong interest in ensuring its regulations are complied with, and has initiated the HERS Informational proceeding to provide a forum and mechanism for addressing concerns like yours. To ensure your concerns are addressed, we encourage you to submit them in writing to the docket established for the Informational proceeding. This is the "open door" to begin discussing these issues, along with the public meetings we will be scheduling in this proceeding.

>

> The Chief Counsel's office is not in a position to discuss how the Commission may choose to exercise its enforcement resources in a hypothetical instance.

>

> If you would like to bring a formal complaint about the actions of any Providers, you may also do that. Again, the Public Adviser can assist you with the procedures for filing a complaint.

>

> Best regards,

>

> Pippin C. Brehler

> Senior Attorney

> Chief Counsel's Office

> California Energy Commission

> 1516 9th Street, MS-14

> Sacramento, CA 95814

> Main: (916) 654-3951

> Direct: (916) 654-5056

> Fax: (916) 654-3843

> PBrehler@energy.ca.gov

> <http://www.energy.ca.gov/>

>

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>

> -----Original Message-----

> From: Dave Hegarty [mailto:davehegarty@ducttesters.com]

> Sent: Thursday, September 19, 2013 12:45 PM

> To: Brehler, Pippin@Energy

> Subject: Re: Providers discipline

>

> Pippin; sorry for the misunderstanding, i was unaware it was legal advice. And as senior legal, can you tell me who replaced Dennis? I, in fact thought it was you. Sorry for the misunderstanding. However, once known as a problem and potential violation of public trust, we all have the responsibility to ask questions and raise concern for our State Rules and regulations. This actually goes beyond the bounds of professional status.

>

> I am asking you then to forward to your top legal professional at CEC so that I may discuss this with him. I have a promise from CEC Legal, that they have an open door for this type stuff from the Masco fiasco. Thanks for your time. Dave Sent from my iPhone

>

> On Sep 19, 2013, at 12:26 PM, "Brehler, Pippin@Energy"

<Pippin.Brehler@energy.ca.gov> wrote:

>

>> Dear Mr. Hegarty,

>>

>> Thank you for contacting me. The Energy Commission is very interested in your concerns and comments. But I need to be clear that I am not in a position to provide you legal advice or to respond at this time to your question about the Energy Commission's "legal view" on HERS Providers' compliance with the requirements in Title 20 of the California Code of Regulations for administering HERS programs.

>>

>> The Energy Commission has opened an Informational Proceeding to Improve the HERS Program in order to address concerns like those you raise below.

>>

>> Comments such as yours about how the HERS program may be improved should be submitted to the Energy Commission Docket for the Informational Proceeding to Improve the HERS Program, Docket No. 12-HERS-1. Comments should be sent to 1516 Ninth St., MS-4, Sacramento, CA 95814, or via email to docket@energy.ca.gov. Comments should include the docket name and number in the subject line of any email.

>>

>> I encourage you to submit your comments to the docket for the HERS proceeding. If you would like, I will docket your message to me and this response. If you would like additional assistance in raising a concern, please contact the Public Advisor.

>>

>> Best regards,

>>

>> Pippin C. Brehler

>> Senior Attorney

>> Chief Counsel's Office

>> California Energy Commission

>> 1516 9th Street, MS-14

>> Sacramento, CA 95814

>> Main: (916) 654-3951

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>>

>> -----Original Message-----

>> From: Dave Hegarty [<mailto:davehegarty@ducttesters.com>]

>> Sent: Wednesday, September 18, 2013 4:26 PM

>> To: Brehler, Pippin@Energy

>> Subject: Providers discipline

>>
>> Pippin: I think it is important to establish the rules for providers either along with or within this OII and we are having a difficult time getting this attention.

>>
>> Providers have NOT lived up to the rules that are in place and have not had any consequences. I would like that addressed prior to the Rater discipline to show the raters a valid pathway to a level playing field for all.

>>
>> Raters cannot be singled out without knowing that providers must be held accountable too.

>>
>> Can you or would you support that intention?

>>
>> And can you advise as to the state's legal view regarding providers not following the rules and title 20?

>>
>> Dave Hegarty.

>>
>>
>> Sent from my iPhone

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