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Superintendent

fresno county office of education

October 25, 2013

Robert Oglesby, Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

California Energy Commission

DOCKETED
13-CCEJA-01

TN 72226

OCT. 25 2013

Re: Docket#: 13-CCEJA-1 Comments on Proposition 39 Draft Guidelines

Dear Mr. Oglesby:

The Fresno County Office of Education (FCOE) respectfully submits the following comments regarding the Proposition 39: California Clean Energy Jobs Act – 2013 Program Implementation Draft Guidelines. We thank the California Energy Commission (CEC) for this opportunity and the thoughtful process which has been followed in developing these guidelines.

As a county office of education (COE) the FCOE provides oversight and support to the thirty-two school districts in Fresno County as well as direct services to students with special needs in our special education program and at-risk students in the court and community school programs. Our office has carefully reviewed the Draft Guidelines and offers the following comments.

- 1. The use of funding for energy managers should be clarified to allow local educational agencies (LEAs) across multiple counties to pool their funding for the services of an energy manager.** The Draft Guidelines state that LEAs may consider pooling their energy manager funding within *a county*. Due to the unique geography of California and the size of COEs and school districts, it may be desirable to pool resources for an energy manager across multiple counties or regions.
- 2. Language should be made inclusive of administrative sites.** Throughout the Draft Guidelines eligible facilities are referred to as “school sites”. COEs have proportionally more administrative facilities as compared to school districts that present easily achievable energy savings. The Draft Guidelines should be changed to use language that is inclusive of administrative and other COE facilities.
- 3. Project approval and processing times should be shortened.** The Draft Guidelines do not provide any processing timelines for the eight step process. Additionally, the proposed process to apportion funds quarterly may delay projects for LEAs that cannot proceed until cash is received. With processing timelines, it may be many months from approval of the energy expenditure plan until funding is actually received.
- 4. Contracting requirements should be clarified.** The Draft Guidelines defer to local procurement regulations and procedures to address the no “sole source” contracting requirements in Public

Resource Code 26235. The Draft Guidelines do not distinguish between planning contracts and construction contracts for purposes of the “sole source” contracting issue. Clarification should be given regarding contracting for energy audits and other planning costs as well as construction costs. Specifically, clarification should be given regarding energy service contracts entered into under Government Code Section 4217 and construction contracts entered into under Education Code Section 17406.

5. **The definition of a project, for funding and reporting issues, needs to be clarified.** Reporting requirements are triggered based on project completion. However, an LEA may undertake a project that involves multiple sites or energy efficiency measures. Clarification should be given to the distinction, if any, between an energy expenditure plan and project.
6. **Quarterly project reporting requirements are burdensome.** Statute requires reporting between 12 and 15 months after the completion of the first project and no later than the first full quarter following completion of subsequent projects. The Draft Guidelines state that quarterly progress status reports must be filed until all projects are complete. A quarterly reporting requirement is overly burdensome on LEAs and should be revised to align with statute.

Thank you for your consideration of these comments. Should you have any questions, please contact me at (559) 497-3705.

Sincerely,



Jeffrey D. Becker
Director of Facilities & Operations