

Re: 2016 Building Standards Update; 14-BSTD-01 Pre-Rulemaking Comments

Ecology Action Preliminary Comments on Changes to Title 24 Part 6 Proposed Language

October 31, 2014

Ecology Action appreciates the work that the CASE team and others have done thus far on the Title 24 2016 update, and for the opportunity to provide feedback and comment. Ecology Action is a 44 year old California-based nonprofit with more than a decade of successful experience designing and delivering energy efficiency and market transformation programs across the state. Commercial lighting retrofits make up a significant portion of our achieved savings. In the last four years alone, lighting upgrades performed under Ecology Action's programs have delivered more than 166 GWh of energy savings to California ratepayers, with most of those being Small and Medium Business (SMB) customers.

Today's comments are in addition to our earlier comments which were docketed on October 10, 2014, prior to the publication of the draft 2016 Code language that was published on October 22, 2014. Now that we have had a chance for a preliminary review the draft 2016 Code, we wish to express our concerns regarding specific language that was apparently changed without the benefit of any public review or stakeholder engagement.

The 2013 Code was developed during an extensive public process, with considerable back-and-forth between CASE Team members, CEC staff and stakeholders like Ecology Action. Because of the many far-reaching changes involving lighting retrofits, there was great stakeholder concern that some of the proposed 2013 changes could prove crippling to the retrofit industry. By working closely with the CASE Team and CEC staff, stakeholder input helped mitigate the potential downside by insuring the inclusion of specific Code provisions such as Modifications-In-Place, "Building Space" definition, 85% of allowed LPD threshold, etc. Program implementers, utilities, contractors, code officials and other stakeholders are only now beginning to wrestle with the many major changes that the 2013 Code has brought to the lighting retrofit marketplace, and it will take considerable time for these changes to work their way through the system and for their full impact to be felt.

In this context, the draft 2016 Code language published on October 22 proposes significant and highly consequential changes that were not discussed during any previous stakeholder meetings. This new proposed language would be highly detrimental to the retrofit market and would effectively eviscerate energy savings for tens of thousands of SMB and Hard-To-Reach (HTR) commercial customers. Ecology

Action believes that significant additional justification, public review and stakeholder engagement is necessary before any such far-reaching changes are made to Title 24 Part 6 for 2016. In particular, we think that the following issues are extremely important:

1. **Modifications-In-Place (MIPs).** The MIP language was inserted into the 2013 code after significant stakeholder discussion to allow energy savings in the SMB and HTR business retrofit market to continue. Proposed 2016 language entirely eliminates this critically important category. Removing the current MIP provisions and Table 141.0-F would negate the hard work and consensus gained from the previous round of code development without significant rationale. The newly-proposed replacement language significantly undercuts the ability to achieve savings for SMB and HTR customers.
2. **“Replacement in Kind” language allowing lamp-only swaps without triggering Code.** Ongoing maintenance is a reality, and lighting maintenance contractors will not pull permits for simply replacing failed lamps. Similarly, for many small jobs and for HTR customers the only viable upgrade may be swapping to more efficient lamps like screw-in LEDs or low wattage T8s. Removing this option will result in stranded savings because those customers will choose not pursue small lighting upgrades in the face of the elevated job costs, hassles, and scrutiny associated with building permits.

Because of the limited time since the proposed 2016 Code’s publication, there has been little opportunity for a thorough review and analysis of its implications. For now, in addition to the above we briefly note the following issues that we feel will require further review and stakeholder involvement:

Other Language Deleted from 2013 Code:

1. Explicit mention that “existing conditions permitted” for sub-threshold alterations.
2. Ability to change fixture listing from incandescent, fluorescent or HID to hardwired LED and have the new wattage count as long as the stated conditions are met.
3. Ability to do < 40 simple one-for-one fixture replacements (i.e., no wiring changes) without triggering code.
4. “Building Space” as a defined term, and 3 of 4 qualifying examples.

Ecology Action plans to submit further written comments following the November 3, 2014 workshop. In the meantime, we remain open to discussions regarding these issues as well as those we raised in our

earlier comments of October 10, 2014. Ecology Action is grateful for the opportunity to provide feedback and we look forward to continuing to work with the Commission and other stakeholders in developing an effective and attainable 2016 energy code.

Sincerely,

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