California Energy Commission
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15-BSTD-01
TN # 75484
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Via Email

California Energy Commission
Docket No. 2014-BSTD-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.ca.gov

Re: NLCAA comments on IBEW-NECA Labor Management Cooperation Committee ("LMCC") Proposed Amendments to Title 24, Part 1, Section 10-103-A Lighting Control Acceptance Test Technician Certification Provider regulations: Docket No. 2014-BSTD-01

Dear Docket Office:

NLCAA is responding to the LMCC proposed amendments to Title 24, Part 1, Section 10-103-A submitted January 8, 2015. The efforts of the November 3, 2014 workshop to amend the Building and Efficiency standards has gone a long way forward and are definitely not "a step backward" in clarifying the standards thus making them more effective in regulating industry. Many of the amendments being proposed by the LMCC would add complexity to the standards, hamper much needed growth in the ranks of trained Lighting Control Acceptance Test Technicians, and perhaps be a step backwards. NLCAA is in support of the November 3, 2014 effort to make the standards even more effective and is submitting the following itemized response to the LMCC amendments request:

Itemized response to Section II of LMCC amendment letter.

- **II A. LMCC Opposition to Proposed Change to Section 10-103-A (c)(3)(A).**
  The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. The deleted wording merely added unnecessary verbiage onto a clearly stated requirement.

- **II B. LMCC Opposition to Proposed Change to Section 10-103-A (c)(3)(B)(iii)**
  The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. The deleted wording merely added unnecessary verbiage onto a clearly stated requirement while also raising the issue of defining the criteria for verifiable and demonstrable.

- **II B. LMCC Opposition to Proposed Change to Section 10-103-A (f)**
  The proposed November 3, 2014 workshop wording modification is clearly written and fails to see where it "eliminates the discretion of the Commission to assess the merits of the application…". To the contrary, the proposed November 3, 2014 workshop wording modification puts additional requirements into this section.

Itemized response to Section III of LMCC amendment letter summarizing the LMCC proposed additional amendments.

- **III A. Clarifying employer training requirements when an employer has multiple offices - Section 10-103-A, subd. (c)(2).**
  This is redundant and cumbersome. The employer training requirements as stated in the standards is clear. Furthermore, the proposed amendment may give rise to additional complexity when the employer may choose to operate satellite administrative offices.

- **III B. Ensuring that employers maintain general liability insurance and comply with applicable licensing and safe practices requirements - Section 10-103-A, subd. (c)(2).**
  Adding insurance compliance criteria to a section of the standards dealing with acceptance test training is confusing and merely adds complexity in winding through the requirements for training.

- **III C. Clarifying the training and testing requirements for technician certification - Section 10-103-A, subd. (c)(3)(A).**
  As stated earlier in section II above, the proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. The deleted wording merely added unnecessary verbiage onto a clearly stated requirement. Further, the proposed additional wording is redundant. "In order to be certified, all Acceptance Test Technicians must complete the hands on and theoretical training requirements and pass the practical and written testing requirements."

- **III D. More clearly defining the three years of professional experience required to enroll in the certification classes - Section 10-103-A, subd. (c)(3)(B)(iii).**
  The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. The deleted wording merely added unnecessary verbiage onto a clearly stated requirement.

- **III E. Clarifying that ATTCPs must follow standard industry practices and federal guidelines for validating tests for rigor, reliability and lack of bias; and requiring ATTCPS to use multiple versions of tests to ensure test security and reliability - Section 10-103-A, subd. (c)(3)(B)(v).**
  The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated.

- **III F. Requiring a higher percentage of technician oversight audits during the first 3 to 5 years of a provider's operation in order to ensure that any initial**

issues with noncompliance are identified and addressed - Section 10-103-A, subd. (c)(3)(F).
The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated and should be utilized and be revisited if it does not accomplish its intended purpose.

- **III G. Requiring an ATTCP to disclose what constitutes a failed audit; and requiring additional random audits of the next few jobs after a failed technician oversight audit - Section 10-103-A, subd. (c)(3)(F).**
The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. NLCAA has no objection however, should the Commission deem it necessary to ask for the definition of a failed audit.

- **III H. Clarifying that an ATTCP must have an ethics policy and equipment maintenance policy - Section 10-103-A, subd. (c)(3)(F).**
The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. NLCAA suggests that if such clarification is required it should be in the relevant section of the ATTCP application instead of the training and certification section.

- **III I. Requiring an ATTCP applicant to have sufficient qualifications and experience to demonstrate a likelihood of success - Section 10-103-A, subd. (c)(4) [New Section].**
The ATTCP application vetting process is sufficient as is. NLCAA has no objection however, should the Commission deem it necessary to ask for further proof of NLCAA's suitability as an ATTCP.

- **III J. Requiring ATTCPs to provide the Commission a summary of all failed audits and the resultant remedial actions - Section 10- 103-A, subd. (d).**
The proposed November 3, 2014 workshop wording modification is sufficient and concise as stated. NLCAA has no objection however, should the Commission deem it necessary to ask additional reports.

- **III K. Clarifying the grounds for the Commission's approval of an ATTCP - Section 10-103-A, subd. (f).**
The application process is clear as it currently exists and feels there is no need for the Commission to clarify its grounds for approval.

- **III L. Providing currently approved ATTCP's with a 180 day grace period for complying with any newly enacted ATTCP requirements - Section 10-103-A, subd. (f) [New Section].**
One of NLCAA's guiding tenets is compliance with industry standards. NLCAA has no objection should the Commission deem it necessary to create a grace period for compliance.

IV. PROPOSED AMENDMENTS SHOULD BE MADE EFFECTIVE IMMEDIATELY IN ORDER TO ENSURE A SMOOTH AND EFFECTIVE ROLL OUT OF THE CERTIFICATION REQUIREMENTS

NLCAA has been and continues to be supportive of the ATTCP process including the amendment process. Immediate action, when dealing with a large cross section of participants, is counterproductive and a potential cause for confusion and delay.

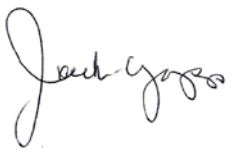
Furthermore, such a change cannot be made outside of a formal rulemaking proceeding, according to the laws established by the Office of Administrative Procedure Act.

Conclusion

NLCAA remains supportive of a clear and practical process that would foster much needed growth in the ranks of qualified and certified Acceptance Test Technicians. NLCAA commends the efforts of the November 3, 2014 workshop to clarify and improve the efficiency of the standards and is encouraged that the standards are avoiding the pitfalls of convoluted verbiage that can cripple a system; the Federal Tax Code being a prime example.

Thank you for your consideration of this submission.

Sincerely,



Senior Vice President

NLCAA