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Via Email

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 15-BSTD-01
1516 Ninth Street
Sacramento, CA 95814-5512
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California Energy Commission

DOCKETED

15-BSTD-01

TN # 75562

APR 01 2015

Re: Docket # 2015-BSTD-01 – IBEW/NECA LMCC Comments on 45 day
Language Express Terms for 2016 Amendments to Title 24, Part I
Acceptance Test Technician Provider Regulations

Dear Docket Office:

The following comments are submitted on behalf of the International Brotherhood of Electrical Workers and the National Electrical Contractors Association (“LMCC”)¹ on the 45 day language express terms for the 2016 amendments to Title 24, Part I regarding the regulation of Acceptance Test Technician Certification Providers (“ATTCPs”). The LMCC opposes the proposed changes to Sections 10-103-A (c)(3)(B)(iii) & 10-103-A (f) on the grounds that they substantially reduce the Commission’s ability to ensure that the ATTCP programs will be effective and reliable. In addition, the other amendments proposed to Section 10-103-A should be revised to provide additional clarity, to fill in gaps in the scope of these current regulations and to better ensure the effectiveness and reliability of the certification programs.

¹ The LMCC has a strong interest in ensuring the success and effectiveness of the certification requirements for lighting control acceptance test technicians. The LMCC spent significant time and resources ensuring that a qualified workforce was in place to enable the success of the 2013 Energy Code’s Lighting Control Acceptance Test Technician certification requirements. More than 300 NECA contractors and IBEW electricians have been trained and certified as Lighting Control Acceptance Test Technicians.

Certification for Lighting Control Acceptance Test Technicians was enacted by the Commission in response to testimony that training, certification and quality control of acceptance test technicians were needed to make the Commission's acceptance test requirements meaningful, reliable and effective. Reliable and effective acceptance testing is an essential component to meeting California's energy efficiency goals. Properly installed and functioning advanced lighting controls are an essential component to meeting California's energy efficiency goals. Lighting accounts for almost 40% of a commercial building's electrical use. This is double the energy used for cooling. However, studies have shown that without proper functional testing and acceptance test documentation, most installations fail to perform as efficiently as required by code.²

Lighting control acceptance tests performed by trained and experienced technicians will ensure that advanced lighting controls are installed and operating correctly so they can achieve their desired energy saving potential. High quality certification programs are particularly important for nonresidential acceptance test technicians because, in contrast with residential HERS raters, nonresidential acceptance test technicians may be employed by the project architect or contractor. Because of timing and cost restraints, the LMCC strongly supports allowing contractors to use their own employees to perform acceptance tests. However, the success of such an approach requires the Commission to adopt regulations that ensure its approved ATTCPs have enacted sufficiently rigorous and reliable certification procedures and requirements and have demonstrated the capability to operate and oversee a reliable certification program.

The LMCC has followed the Commission's application of the current ATTCP regulations to the first few ATTCP applicants over the past year. As the application process unfolded, the LMCC identified a number of requirements that are unclear or lack sufficient specificity to ensure ATTCP certification programs are reliable and effective. The current ATTCP regulations contain a number of requirements that are unclear or are insufficiently detailed to ensure reliable and effective ATTCP certification programs. For example, the current regulations contain vague and confusing prequalification requirements, fail to provide clear quality assurance guidelines, and fail to require ATTCP applicants to follow standard industry practices for validating tests for rigor, reliability and lack of bias.

² See, e.g., California Public Utilities Commission, *Decision Providing Guidance on 2013-2014 Energy Efficiency Portfolios 2012 Marketing, Education, and Outreach* (D.12-05-015) (May 10, 2012) §13.2.2 at p. 279.

The LMCC thus urges the Commission to update these regulations in a manner that better ensures the effectiveness and reliability of the certification programs. The 45 day language, however, includes amendments that *weaken the ATTCP standards and reduce the Commission's ability to ensure that ATTCP programs will be effective and reliable*. These amendments should be rejected and additional clarifications should be adopted to ensure high standards are applied to all ATTCP applicants.

I. OPPOSITION TO SECTIONS 10-103-A(C)(3)(B)(III) & 10-103-A(F)

A. Opposition to Proposed Change to Section 10-103-A (c)(3)(B)(iii)

CEC 45 day language amendment:

(iii) Prequalification. Participation in the technician certification program shall be limited to persons who have at least three years of verifiable professional experience and expertise in lighting controls and electrical systems as determined by the Lighting Control ATTCPs, ~~to demonstrate their ability to understand and apply the Lighting Controls Acceptance Test Technician certification training. The criteria and review processes used by the ATTCP to determine the relevance of technician professional experience shall be described in the ATTCP application to the Energy Commission.~~

The LMCC opposes this amendment because it deletes the requirement that an applicant's professional experience in lighting controls and systems must be relevant and verifiable and deletes the requirement to disclose the criteria and review process used by an ATTCP for determining relevant experience. A pre-existing background in lighting controls and systems is necessary to ensure that applicants are capable of successfully understanding and implementing the acceptance test certification training and applying it to the wide variety of lighting control systems that may be encountered in the field. An applicant's professional experience in lighting controls and systems should be verified in order to ensure that he or she has the experience necessary to fully understand and successfully apply the acceptance test training. Furthermore, the criteria and review process used by an ATTCP should be disclosed by the ATTCP applicant so that the staff and the public can assess its adequacy and fairness.

Rather than weakening this requirement, this provision should be amended in order to (1) clarify that professional experience and expertise in lighting and electrical controls means “experience and expertise in designing, installing, or commissioning lighting controls as defined by Section 100.1 of Part 6; and (2) clarify that “verifiable” experience means experience documented by letters from employers or other written experience. The LMCC requests the Commission to consider the following alternative amendment:

(iii) Prequalification. Participation in the technician certification program shall be limited to persons who have at least three years of documented, verifiable professional experience and expertise in designing, installing, or commissioning lighting controls as defined by Section 100.1 of Part 6 ~~as determined by the Lighting Controls ATTCPs, to demonstrate their ability to understand and apply the Lighting Controls Acceptance Test Technician certification training. Installing and repairing “lighting fixtures” does not constitute experience with lighting controls or systems.~~ The criteria and review processes used by the ATTCP to determine the relevance of technician professional experience shall be described in the ATTCP application to the Energy Commission. Letters from employers or other written evidence shall be required to verify an applicant’s experience.

Because this amendment would simply clarify existing requirements and would not impose any substantial change to the current regulation, this amendment could be made in 15 day language.

In addition, either the regulation or the compliance manual should set forth the professional experience that would generally be considered qualified professional experience. This would provide needed guidance to applicants and provided consistency with Section 10-103-A, subdivision (b)(2). Subdivision (b)(2) recognizes the following professions as providing verifiable professional experience and expertise in advanced lighting controls systems: (1) electrical contractors; (2) certified general electricians; (3) professional engineers; (4) controls installation and startup contractors; and (5) certified commissioning professionals.

The LMCC proposes deleting the “controls installation and startup contractor” category and replacing it with “lighting control manufacturer representatives.” Section 10-103-A, subdivision (b)(2) currently includes a professional designation identified as a “controls installation and startup contractor.” It is unclear what this designation means. A controls installation and

startup contractor is not a contractor category that is recognized or licensed by the State of California. Because there is no industry wide definition of a controls installation and startup contractor, it should be deleted and replaced with a designation for lighting control manufacturer representatives. In addition, either the regulation or the compliance manual should clarify that an ATTCP may expand this list of qualified professionals as long as it presents evidence that the proposed additional professional degrees or certifications provide training and work experience in designing, installing, or commissioning advanced lighting controls.

The LMCC proposes the following language to clarify this issue:

Professional experience means experience designing, installing, or commissioning lighting controls as a (1) California licensed electrical contractor; (2) California certified general electrician; (3) California licensed professional engineer; (4) lighting control manufacturer representative; or (5) a commissioning professional certified by the Building Commissioning Association, the Association of Energy Engineers, American Society of Heating and Air Conditioning Engineers or other equivalent commissioning certification entities. Upon submission of supporting evidence and concurrence by the Commission, an ATTCP may expand the definition of professional experience to include additional professional occupations that are demonstrated to provide industry-accepted training and work experience in designing, installing, or commissioning advanced lighting controls.

B. Opposition to Proposed Change to Section 10-103-A (f)

CEC 45 day language amendment:

(fe) Application Review and Determination. The Energy Commission shall review Acceptance Test Technician Certification Provider applications according to the criteria and procedures in Section 10-103-A(c) to determine if such providers ~~are approved to meet the specified requirements for providing~~ acceptance testing certification services.

1. Energy Commission staff will review and validate all information received on Acceptance Test Technician Certification Provider applications, and determine ~~that whether~~ the application is complete and contains sufficient information to be approved.

2. The Executive Director may require that the applicant provide additional information as required by staff to fully evaluate the Provider application.
3. The Executive Director shall provide a copy of ~~its~~ staff's evaluation to interested persons and provide a reasonable opportunity for public comment.
- ~~3~~4. The Executive Director shall issue a written recommendation that the Energy Commission designate the applicant as an authorized Lighting Control Acceptance Test Technician Certification Provider or deny the Provider application.
- ~~4~~5. The Energy Commission shall make a final decision on the application at a publicly noticed hearing.

The LMCC opposes this amendment because it eliminates the discretion of the Commission to assess the merits of the application or the rigor or effectiveness of the proposed certification program when approving an ATTCP. The proposed change would bar the Commission from refusing to approve an ATTCP applicant for reasons other than failure to submit a complete application. Under this change, the Commission would not have discretion to assess the merits of the application or the rigor or effectiveness of the proposed certification program. The Commission should retain full discretion to deny approval to low quality certification programs.

Rather than reducing the Commission's authority to base its approval on the quality of an application, this section should be amended to clarify that the Commission's approval is not just based on submittal of a complete application, but is also based on the Commission's determination that the content of the application is sufficiently rigorous and detailed to demonstrate a strong likelihood of success and reliability. The LMCC recommends the following alternative amendment:

(f) Application Review and Determination. The Energy Commission shall review Acceptance Test Technician Certification Provider applications to determine whether the information required by Section 10-103-A(c) has been provided and is sufficiently rigorous and detailed to demonstrate a strong likelihood of success and reliability.

1. Energy Commission staff will review and validate all information received on Acceptance Test Technician Certification Provider applications, and determine whether that the application is complete and contains sufficient information to be approved and demonstrates the ability to provide a rigorous and reliable certification program with sufficient quality assurance oversight.
2. The Executive Director may require that the applicant provide additional information as required by staff to fully evaluate the Provider application. The Executive Director shall provide a copy of its evaluation to interested persons and provide a reasonable opportunity for public comment.
3. The Executive Director shall issue a written recommendation that the Energy Commission designate the applicant as an authorized Acceptance Test Technician Certification Provider or deny the Provider application.
4. The Energy Commission shall make a final decision on the application at a publicly noticed hearing.

II. ADDITIONAL AMENDMENTS NEEDED TO CLARIFY AND STRENGTHEN ATTCP REQUIREMENTS

Instead of amendments that weaken the requirements for ATTCP approval, these regulations should be amended to instead improve the usability and effectiveness of the ATTCP requirements. Below are proposed revisions that would strengthen the certification program and provide additional clarity to ATTCP applicants by:

A. Clarifying Employer Training Requirements When an Employer Has Multiple Offices – Proposed Revision to Section 10-103-A, Subd. (c)(2)

The current regulations do not address the situation where a large contractor has multiple offices across the state. Section 10-103-A, subdivision (c)(2) should add the following clarification to ensure at least one manager in each office has taken the required webinar for employers:

Multiple Offices. Employers with more than one office must identify which offices employ Lighting Control Acceptance Test Technicians and affirm that

at least one mid- or senior-level official per office employing Acceptance Test Technicians has completed the Acceptance Test Employer certification training. Where a change in personnel in an office employing Acceptance Test Technicians results in no official in that office having had completed the Acceptance Test Employer certification training, the Acceptance Test Employer shall ensure that a replacement mid- or senior-level official in that office takes and completes the Acceptance Test Employer certification training within 6 months.

B. Ensuring that Employers Maintain General Liability Insurance and Comply with Applicable Licensing and Safe Practices Requirements - Proposed Revision to Section 10-103-A, Subd. (c)(2)

ATTCPs should not be allowed to certify employers that are not insured or that violate applicable licensing and safety requirements. Section 10-103-A, subdivision (c)(2) should add the following clarification:

Licensing, Insurance and Safe Practices Requirements. The ATTCP shall require Acceptance Test Employers to maintain and provide proof of workers compensation insurance, proof of comprehensive general liability insurance with a policy limit of at least \$1,000,000, copies of local business licenses for all offices that are registering to employ acceptance test technicians, and copies of applicant's Injury and Illness Prevention Program and Code of Safe Practices, which meet the minimum requirements of Title 8 of the California Code of Regulations, sections 1509 and 3203.

C. Clarifying the Training and Testing Requirements for Technician Certification - Proposed Revision to Section 10-103-A, subd. (c)(3)(A)

Section 10-103-A, subdivision (c)(3)(A) should be revised as follows to clarify that ATTCP's may not certify a technician unless the technician has completed both the training and testing requirements:

A. Training Scope. The scope of the training shall include both hands-on experience and theoretical training such that Acceptance Test Technicians demonstrate their ability to apply the Building Energy Efficiency Standards acceptance testing and documentation requirements to a comprehensive

variety of lighting control systems and networks that are reflective of the range of systems currently encountered in the field. The objective of the hands on training is to practice and certify competency in the technologies and skills necessary to perform the acceptance tests. 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.

D. Clarifying that ATTCPs Must Validate Tests for Rigor, Reliability and Lack of Bias; and Requiring Multiple Versions of Tests to Ensure Test Security and Reliability - Proposed Revision to Section 10-103-A, subd. (c)(3)(B)(v)

Section 10-103-A, subdivision (c)(3)(B)(v) should be revised as follows to require validation of certification exams and multiple versions of tests:

(v) Tests. The ATTCP shall require an Acceptance Test Technician to pass a comprehensive A-written and practical test that demonstrates each certification applicant's competence in all specified subjects. The ATTCPs shall retain all results of these tests for five years from the date of the test. Examinations shall be validated by subject matter experts for content, and pilot tested and statistically analyzed by qualified psychometricians to identify poor-quality questions or bias that may not otherwise be readily evident, to ensure reliability by checking response option frequency and other measurements of consistency, and to ensure validity and rigor by evaluating question difficulty and justifying passing scores and performance standards. Exams shall be re-validated at least annually to confirm continued reliability, rigor and lack of bias. Validation for lack of bias shall conform with the Uniform Guidelines on Employee Selection Procedures (1978) Federal Register, 43(166), 38290-38315.

ATTCPs shall have and use at least three different versions of tests with random question generation, and have at least twice the number of questions in a validated question bank than are scored on any given test. Technician certification exams shall require a passing score of at least 75% and the validity and reliability of this passing score shall be confirmed by an independent psychometrician or other test development expert on an annual basis.

It is standard industry practice to require professional certification tests to be validated. For example, California requires certification examinations for electricians to “be validated by an independent test validation organization.” (Cal. Code Regs., tit. 8, § 291.3(b); see also U.S. Department of Labor, Testing and Assessment: An Employer’s Guide to Good Practices (2000), available at http://www.onetcenter.org/dl_files/empTestAsse.pdf .) The ISO/IEC 17024 Standard, which is expressly recognized in the ATTCP regulations, also requires tests and test procedures to be professionally evaluated for reliability, validity and lack of bias.

A key component to evaluating certification exams is to conduct pilot testing and to have test assessment professionals (i.e., psychometricians) statistically analyze the test results to ensure reliability, validity and lack of bias. Such evaluations identify poor-quality questions that may not otherwise be readily evident, ensure reliability by checking response option frequency and other measurements of consistency, and ensure validity and rigor by evaluating question difficulty and justifying passing scores and performance standards. If a large percentage of the candidates answer a particular question correctly, it suggests that the item is too easy or is written in a way that allows people who do not know the training content to answer correctly. For items with a difficulty score of greater than .90 (90% of respondents answered the item correctly) or lower than .40 (40% or less of the respondents answer the item correctly), the item should be rewritten. Tests for reliability or consistency of a test look for a high level of internal consistence (e.g. Cronbach’s alpha greater than .70). Calculating the reliability of a test can be complicated and generally requires statistical software.

Pilot testing and statistical analysis are also necessary to ensure lack of bias in certification exams. Certification exams are considered an employment selection procedure and are thereby governed by the federal laws, rules and regulations regarding the use of selection tests (e.g., Civil Rights Act of 1964, Equal Employment Opportunity Act of 1972, and Uniform Guidelines on Employee Selection Procedures). These federal laws prohibit employment practices which discriminate on grounds of race, color, religion, sex and national origin. Under federal regulations, the use of any selection procedure which has an adverse impact on the employment opportunities of any race, sex, or ethnic group will be considered discriminatory unless the procedure has been validated in accordance with the Uniform Guidelines on Employee Selection Procedures. (Equal Employment opportunity Commission, Civil Service Commission, Department of Labor &

Department of Justice, *Uniform Guidelines on Employee Selection Procedures* (1978)
Federal Register, 43(166), 38290-38315.)

In addition, to the initial testing and statistical review of certification exams, standard industry practice also requires multiple test versions and continuing statistical review of exams to identify any previously unidentified problem questions and to ensure exam security. The LMCC's proposed amendments require ATTCPs to use multiple versions of tests and to regularly re-validate test questions to ensure continuing exam security and reliability.

Test validation is critical to ensuring a fair, reliable and valid certification process. The Commission should not approve any provider until it demonstrates its exams have been validated by a test validation professional.

E. Requiring Higher Audits Rates During the First 5 Years of a Provider's Operation in Order to Ensure Initial Issues with Noncompliance Are Identified and Addressed - Proposed Revision to Section 10-103-A, subd. (c)(3)(F)

Section 10-103-A, subdivision (c)(3)(F) should be amended as follows to require higher levels of audits during the first three to five years of a provider's operation:

Technician Audits. The ATTCP shall require its Certified Acceptance Test Technicians and Employers to enter into an audit agreement that defines roles and responsibilities, including a requirement that Technicians submit a notice of completion to the ATTCP or its authorized auditor within 48 hours of completion of a lighting control acceptance test. A copy of this agreement shall be included in the application. For the first three years of operations, an ATTCP shall review a random sample of no less than 6% of each Technician's completed compliance forms, and shall perform randomly selected on-site audits of no less than 6% of each Technician's completed acceptance tests. For years four and five, an ATTCP shall review a random sample of no less than 4% of each Technician's completed compliance forms, and shall perform randomly selected on-site audits of no less than 4% of each Technician's completed acceptance tests. After five years of operations, an ATTCP shall review a random sample of no less than 2% of each Technician's completed compliance forms, and shall perform randomly selected on-site audits of no less than 2% of each Technician's completed acceptance tests.

Field audits shall be performed by an organization with sufficient infrastructure, personnel and capability to provide field audits on one-day notice anywhere in the state and with at least three years of experience in providing energy efficiency audits.

The first year of operation, for purposes of compliance with this audit requirement, shall commence when all of the following have occurred: (1) the Commission has approved the ATTCP's application; (2) the use of certified lighting control Acceptance Test Technicians is required under Title 24, Part 6, Section 130.4; and (3) the ATTCP has begun to require random audits at a percentage that meets or exceeds the percentage of audits required under this section during the first year of operation.

The American Institute of CPA ("AICPA") has developed guidelines for ensuring statistically reliable methods of quality assurance. These guidelines are published in the AICPA document "Audit Sampling Considerations of Circular A-133 Compliance Audits." In the "Audit Sample" chapter, AICPA states that, "generally, samples for control tests are designed to achieve a 90% to 95% confidence level." However, for new programs, AICPA recommends requiring a 95 to 98 percent confidence level at first to ensure that any initial issues with noncompliance are identified and addressed.

The LMCC supports the CALCTP approach to quality assurance as representative of industry best practices and urges the Commission to adopt their audit rates as mandatory for all Lighting Control ATTCPs. Consistent with the AICPA guidelines, CALCTP requires random audits at an initial rate that will provide a 98% confidence level that all acceptance test assessments are done correctly. As the program becomes more established and the certified acceptance test technician workforce becomes more experienced, these quality assurance visits will decrease and move to a 95% confidence level in years 3-5 and then a 90% confidence level when the program is established in year 5 and beyond.

To meet these confidence levels, technicians will be subject to 6% paper audits and 6% random field inspections during the first three years of the program, dropping down to 4% paper audits and 4% random field inspections in years 4-5 and 2% paper audits and 2% random field inspections after that.

Time Period	Confidence Level	Anticipated % of Projects Audited	Paper Audits	On-Site Audits
Years 1-3	98%	12%	6%	6%
Years 4-5	95%	8%	4%	4%
Year 5+	90%	4%	2%	2%

The Commission's current proposal to require only 1% random field inspections and 1% random document inspection is not supported by any evidence that this will provide a statistically reliable level of quality assurance. At a minimum, this number should be significantly higher during the first few years of any new ATTCP's operation.

For comparison, the Commission's HERS program requires random field inspections at a rate of 1% where the HERS raters are third party inspectors. Because nonresidential Lighting Control Acceptance Test Technicians are not required to be independent third parties from the contractor, the number of random field inspections should be higher than for HERS raters, at least for the first few years of a Provider's certification program. As long as a Provider ensures adequate prequalification requirements, adequate training and sufficient quality assurance audits, there should be no need to require Lighting Control Acceptance Test Technicians to be third party.

F. Requiring an ATTCP to Disclose what Constitutes a Failed Audit; and Requiring Additional Random Audits of the Next Few Jobs After a Failed Audit - Proposed Revision to Section 10-103-A, subd. (c)(3)(F)

Section 10-103-A, subdivision (c)(3)(F) should be amended as follows to require ATTCPs to explain in their application what will trigger a finding that a technician has failed a quality assurance audit and what remedial response will be taken:

The ATTCP application shall describe in detail what constitutes a failed audit and what consequences shall occur to both the Acceptance Test Technician and the Employer upon a failed audit. A failed paper audit or field audits shall trigger at least two additional random field audits within the next four jobs. If either of those additional audits is failed, field audits

will be required for 100% of the next four jobs. Acceptance Test Technicians who fail any of those four audits will lose their certification.

Section 10-103-A currently does not require an ATTCP to define what constitutes a failed audit or what further action will be taken when a failed audit occurs. Without such a description, it is impossible to determine if an ATTCP's proposed audits will have any meaning.

Any failed paper audit or field audit should trigger additional random field inspections within the next few jobs. Under the current regulations, however, the Commission has approved one ATTCP that responds to a failed audit by increasing the number of random field inspections for a technician from 1% to just 2% of the next 100 jobs. This is inherently inadequate. Since the field inspections are randomly determined, two random audits out of the next 100 jobs means that a technician who failed an audit could potentially perform 97 jobs before the next random field inspection. To address this issue, the regulations should be amended to require an ATTCP to perform two random additional audits over the next four jobs after a failed technician quality assurance audit.

G. Clarifying that an ATTCP Must Have an Ethics Policy and Equipment Maintenance Policy - Proposed Revision to Section 10-103-A, subd. (c)(3)(F)

Section 10-103-A, subdivision (c)(3)(F) should be amended as follows to require an ATTCP applicant to maintain an ethics policy and equipment policy for its certified Acceptance Test Technicians and Employers.

Ethics Policy. The ATTCP application shall include a copy of its ethics policy for its certified Acceptance Test Technicians and Employers.

Equipment Policy. The ATTCP application shall include a description of its requirements for ensuring that a certified Employer or self-employed Acceptance Test Technician possesses and properly maintains sufficient diagnostic equipment to perform lighting control acceptance tests, including, but not limited to, an illuminance meter and a digital millimeter capable of reading current power.

The equipment policy is necessary to ensure that a certified ATTCP Employer or self-employed Acceptance Test Technician possesses and properly maintains sufficient diagnostic equipment to perform lighting control acceptance tests.

H. Requiring an ATTCP Applicant to Have Sufficient Qualifications and Experience to Demonstrate a Likelihood of Success - Proposed Revision to Section 10-103-A, subd. (c)

In order to ensure the success and reliability of the certification program, the Commission should only approve certification providers that have demonstrated sufficient experience, reputation and success in running similar programs. The following requirement should be added to Section 10-103-A, subdivision (c):

Qualifications and Experience. The ATTCPs shall demonstrate sufficient qualifications and experience in operating and overseeing a certification program by either: (1) accreditation under the ISO/IEC 17024 standard or equivalent; or (2) a minimum of three years of experience successfully operating and overseeing a personnel certification program in the lighting, electrical, commissioning, or energy efficiency field.

I. Requiring ATTCPs to Provide the Commission An Annual Summary of Failed Audits and the Resultant Remedial Actions - Proposed Revision to Section 10-103-A, subd. (d)

Section 10-103-A, subdivision (d) should be amended as follows to require ATTCPs to provide the Commission an annual summary of all failed audits and the resultant remedial actions:

(d) Reporting Requirements for ATTCPs to Provide Annual Reports.
The ATTCP shall provide the following reports to the Energy Commission:

1. The ATTCP shall provide an annual report to the Energy Commission summarizing the certification services provided over the reporting period, including the total number of Acceptance Test Technicians and Employers certified by the ATTCP (a) during the reporting period and (b) to date. The annual reports shall include a summary of all failed paper and field audits, and the resultant remedial actions.

**J. Clarifying that ATTCPs Must Comply with Newly Enacted
ATTCP Requirements - Proposed Revision to Section 10-103-A**

Section 10-103-A should be amended as follows to clarify that approved ATTCPs must comply with any newly adopted ATTCP requirements:

Updates to ATTCP Requirements

ATTCPs that have already been approved by the Commission shall submit a report demonstrating compliance with any substantive changes made to the requirements for approval as an ATTCP no later than the effective date of the new requirements. ATTCPs that do not amend or update their certification program within the required time period shall be suspended until such time as they meet the new requirements.

III. CONCLUSION

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas A. Enslow", with a long horizontal flourish extending to the right.

Thomas A. Enslow

TAE:lj1