

DOCKETED

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CEC-70 (Revised 2/2021)

***IN THE MATTER OF:******Building Initiative for Low-Emissions Development Program (Senate Bill 1477, 2018)***

Docket No. 20-DECARB-01

NOTICE OF AVAILABILITY

RE: Building Initiative for Low-Emissions Development Program

Notice of Availability of Revisions to Proposed Final Guidelines for the Building Initiative for Low-Emissions Development Program

Introduction

A revised version of the *Proposed Final Guidelines for the Building Initiative for Low-Emissions Development Program* is now available for review. The revised version of the Proposed BUILD Guidelines can be downloaded from the [BUILD docket page](#) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=20-DECARB-01>.

The Proposed BUILD Guidelines will be considered for adoption at the California Energy Commission (CEC) Business Meeting on:

February 16, 2022
10:00 a.m.-4:00 p.m.
Remote Access Only

The CEC's February 16, 2022 Business Meeting will be held remotely, consistent with Assembly Bill 361 (Rivas, Chapter 165, Statutes of 2021) as extended by Governor Newsom's Executive Order N-1-22 to improve and enhance public access to state agency meetings during the COVID-19 pandemic. At this meeting, any person may present oral comments on the revised version of the Proposed BUILD Guidelines. The public can participate in the workshop consistent with the direction provided below. Please note that the CEC aims to begin promptly at the start time posted and the end time is an estimate based on the agenda proposed. The workshop may end sooner or later than the posted end time depending on various factors.

For details on how to access the meeting and participate by Zoom and to view the agenda, go to the [CEC's Business Meeting webpage](#) at <https://www.energy.ca.gov/proceedings/business-meetings>.

Background

Senate Bill (SB) 1477 (Stern, Chapter 378, Statutes of 2018) authorized two building decarbonization programs encouraging the development and deployment of near-zero-emission building technologies: the BUILD Program and the Technology and Equipment for Clean Heating (TECH) Initiative.¹ BUILD is a residential building decarbonization program providing technical assistance and incentives to encourage adoption of advanced building design and near-zero-emission technologies in new low-income residential buildings.

The California Public Utilities Commission (CPUC) approved the BUILD Implementation Plan on April 15, 2021, which served as a framing document for developing program guidelines. The Preliminary Program Design was published on the BUILD docket September 14, 2021, and presented at a public workshop September 15, 2021. Public comments were received and incorporated into the Draft BUILD Guidelines, which were made available December 1, 2021, and presented at a public workshop December 6, 2021. The Proposed BUILD Guidelines were made available to the public for comment January 20, 2022, and comments were accepted until January 31, 2022.

CEC staff has made changes to the Proposed BUILD Guidelines having considered public comments. The changes are identified below. The final version of the Proposed BUILD Guidelines will be recommended for adoption by the CEC at the February 16, 2022 Business Meeting. The BUILD Guidelines will become final upon approval by CPUC staff in accordance with the process specified in CPUC Resolution E-5116.

Revisions to the Proposed BUILD Guidelines

A. Prevailing Wage

The language in Chapter 6, Section K, regarding prevailing wage was revised based on stakeholder input on the Proposed BUILD Guidelines.

Existing language removed from Chapter 6, Section K:

Applicants acknowledge acceptance that BUILD technical assistance or incentives may trigger public works laws (Labor Code Section 1720 et seq.), a requirement of which is to pay prevailing wages, applying to their entire project. Applicants are responsible for complying with all applicable laws, which can include public works requirements. Only the California Department of Industrial Relations (DIR)²³ and courts of competent jurisdiction may issue legally binding determinations that a project is or is not a public works project. Applicants shall assume their projects are public works unless they obtain a determination to the contrary from DIR or an appropriate court. As such processes can be time consuming, please plan accordingly. Without such a determination, applicant shall assume prevailing wage applies and provide for prevailing wages in their budgets.

New language added to Chapter 6, Section K:

¹ BUILD and TECH are further governed by CPUC Decision 23-03-027, which also established CEC as the program administrator for BUILD. The TECH Initiative is being implemented by Energy Solutions and additional information can be found on the [TECH website](https://energy-solution.com/tech/) at <https://energy-solution.com/tech/>.

Applicants are responsible for complying with all applicable laws, which can include public works requirements under the California Labor Code. Applicants acknowledge acceptance that BUILD technical assistance or incentives may trigger public works laws (Labor Code Section 1720 et seq.), a requirement of which is to pay prevailing wages, applying to their entire project. If the project is public works, then it is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Applicants receiving BUILD technical assistance or incentives shall sign an attestation confirming that they comply with all applicable laws, which can include prevailing wage exemptions provided under the Labor Code.

B. EV Charger Kicker Incentive Value

The specifications regarding electric vehicle supply equipment kicker incentives were revised based on stakeholder input on the Proposed BUILD Guidelines.

In Chapter 4, Table 4.1, Incentive Level for Technologies

- Added: Bi-Directional Electric Vehicle Supply Equipment (Bi-Directional EVSE), \$1000/EVSE

In Appendix B, Table B.3, Eligible Technologies for BUILD Kicker Incentives:

- Electric Vehicle Supply Equipment (EVSE):
 - Added:
Be capable of delivering electricity to a plug-in electric vehicle at a minimum rate of 6.2 kilowatts (kW)
 - Modified:
Existing: Listed on the CALeVIP Eligible Equipment List (or future CEC equivalent list) and/or ENERGY STAR-certified
New: Listed on the CALeVIP Eligible Equipment List (or future CEC equivalent list) or ENERGY STAR-certified
- Smart Electric Vehicle Supply Equipment (Smart EVSE):
 - Removed:
If installing three or fewer EVSE, each EVSE must be capable of delivering electricity to a plug-in electric vehicle at a minimum current of 40 amperes at 208/240 volts
 - Removed:
Support ISO 15118 communication with the plug-in electric vehicle
 - Added:

Be capable of delivering electricity to a plug-in electric vehicle at a minimum rate of 6.2 kilowatts (kW)

- Modified:

Existing: If installing more than three EVSE, all EVSE must be controlled by an Automatic Load Management System (ALMS) that meets the minimum requirements defined in Health & Safety Code Sections 18930.5 and 18941.10

New: If installing more than three EVSE in a service panel or subpanel, all EVSE must be controlled by an Automatic Load Management System (ALMS) that meets the minimum requirements defined in the 2022 California Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11)

- Modified:

Existing: Additionally, all EVSE must meet the following requirements for incentive funding: ENERGY STAR-certified

New: Additionally, all EVSE must meet the following requirements for incentive funding: Listed on the CALeVIP Eligible Equipment List (or future CEC equivalent list) or ENERGY STAR-certified

- Modified:

Existing: Support Open Charge Point Protocol or OpenADR

New: Support Open Charge Point Protocol (OCPP 1.6 JSON or later) or OpenADR (2.0a or 2.0b, or later)

- Added:

Bi-Directional Electric Vehicle Supply Equipment (Bi-Directional EVSE)

- Added: Meet the smart EVSE requirements listed above and demonstrate that the electric utility serving the project allows Bi-Directional Electric Vehicle Supply Equipment by submitting an approved interconnection agreement or an equivalent approval from the electric utility

C. Grid Flexibility Technology Kicker Incentive Value

The specifications regarding grid flexibility technology kicker incentive were revised based on stakeholder input on the Proposed BUILD Guidelines.

In Chapter 4, Table 4.1, Incentive Level for Technologies:

- Removed: \$100/CTA-2045 module
- Added: \$500/JA13-compliant HPWH

In Appendix B, Table B.3, Eligible Technologies for BUILD Kicker Incentives:

- Removed: CTA-2045 module

D. Other formatting corrections

Table and figure references were updated to correct typographical errors.

In Appendix B, B. 2. Custom Energy Model Pathway, reference Table 5.1 – Table 5.3 changed to Table B.1 or Table B.2.

In Appendix C, F. Build Calculator Pathway, reference to Figure C.3 changed to Figure C.1.

Public Comment

Oral Comments will be accepted at the February 16, 2022 Business Meeting. Public comments may be limited to three minutes or less per speaker and one person per organization. If you need assistance making a comment at the business meeting, please contact the CEC’s Public Advisor at the email or phone number below.

Public Advisor and Other CEC Contacts

The CEC’s Public Advisor assists the public with participating in CEC proceedings. To request interpreting services or other reasonable accommodations or modifications, contact the Public Advisor at publicadvisor@energy.ca.gov or by phone at (916) 957-7910. Requests should be made as soon as possible but at least five days in advance. The CEC will work diligently to meet all requests based on the availability of service or resource needed.

Direct media inquiries to mediaoffice@energy.ca.gov or (916) 654-4989.

Direct technical subject inquiries to Larry Froess at larry.froess@energy.ca.gov or (916) 931-9761.

Direct general inquiries regarding the BUILD Program to Camille Remy-Obad, BUILD Supervisor, at BUILD@energy.ca.gov or (916) 639-0575.

Dated: Tuesday, February 8, 2022, at Sacramento, California

Natalie Lee

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Deputy Director, Renewable Energy Division

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