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Sent: Monday, February 23, 2015 11:38 AM
To: docket@energy.ca.gov
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Subject: Petition for Emergency Rule Making

Categories: Orgs, Important, APP-TECH

California Energy Commission DOCKETED 15-MISC-01
TN # 74762 FEB 25 2015

To the Commission,

I am writing in support of the petition for emergency rule making for BES 2013 submitted by Patrick Splitt of APP-TECH Inc. The Commission should view Splitt's request as an opportunity to avoid a greater assortment of problems that could compromise the implementation of ZNE residences by 2020.

My previous experience in the area of codes and standards dates to 1982, when I trained SMACNA contractors in Res and Non-Res compliance with Title-24. I was also a CEC-certified RCS auditor-trainer at the time, and trained auditors from many utilities on the west coast.

Here is an example of what Title-24 meant to me during the planning and construction of my owner-built last home. I had plenty of other things to occupy my time such as the fights over what kind of compliant soffit venting could be used (I visited the factory in Loomis), and getting the right-sized ground loop installed for my planned geothermal heat pump. The house was built on land that had to be sub-divided, and served by a paved, Class 7 county road that mandated 630 feet of new water main, a fire hydrant, streetlight, and long delays while that (very conventional) work was approved and permitted. The Title-24 pathway to compliance had become highly complicated by 2010, so I paid someone else who more frequently wrestled with it to perform it for my building.

The process and its forms are reminiscent of some banking and mortgage applications I have seen—everything under the sun in one multi-paged form (but you are never sure which of the items begging for completion apply to your case). The energy standards business is much the same these days, and I suspect it's going to extend that complexity as we stretch for 2020 and 2030's ZNE requirements.

Splitt's complaints are emblematic of a general "howl" against obfuscation in all governmental regulations. And while I fully believe in regulation, in what Title-24 has achieved over the last 40 years, and the extension toward ZNE in future years—I fear for your effort. You read that correctly. If codes and standards don't remain clear, straightforward, and easy to demonstrate, you will be risking a massive push-back, lots more news coverage about nanny-states and overzealous regulation, people and businesses leaving the state, and so on. I don't want that and neither should you.

Let me update you on a couple of issues likely to appear in the 2016 standards that I will oppose. First, you're all familiar with what AB 32 demands yet you still mandate the use of natural gas where it is available. Second, you have no simple compliance pathway for the use of geothermal heat pumps in any kind of building, and you are daring the industry to spend the time and money to develop it for you (with no assurance it would be approved). Why can't you simply say "yes" to GHPs wherever they are specified? They've long-ago been endorsed by the EPA as the most efficient mechanical equipment available. Manufacturer's testing has been verified by third parties, so why can't you just accept nameplate efficiency performance and Manual J documentation and smile?

Many of us are advocating and stretching for a carbonless, electric economy. What are you doing with these roadblocks and your institutionalized tilt toward the gas industry? I'm not expecting all gas to go away

- tomorrow, but I sure don't understand how you're planning for ZNE residences in 2020 while using it. And don't trot out Time Dependent Valuation to me. In any honest debate, you will lose.

Here's a reminder. The important thing is to get as much building stock built to the highest energy efficiency standard you can get, as soon as you can get it. You do this knowing full well that even with an R-90 envelope and triple-paned portholes, it's the occupants' use patterns that will make or break whether that building performs as you hope. The higher the building's designed efficiencies, the greater is the occupants' opportunity to shatter your expectations. The more complicated and confusing your compliance pathway, the more push back you will get from the field, resulting in fewer buildings of the kind we both want.

Your regulatory processing structure seems designed to make sure that no mis-steps are made on this mission we all share. Please let it function to its full potential by engaging with Patrick Splitt and others toward clarity, brevity, simplification, and a better partnership with the practitioners who implement the regulations you produce.

Thank you.

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Martin Energetics

Pipe IN the ground it's (Polyethylene)
yields heat and cool, which are serene.
Works with a machine that's ultra-clean,
Providing HVAC, oh so green!
Geo Heat Pumps— For clean, renewable energy

