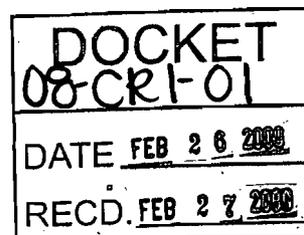


CALIFORNIA ENERGY COMMISSION1516 Ninth Street
Sacramento, California 95814Main website: www.energy.ca.gov

In the matter of, Complaint / Request for) Docket No. 08-CRI-01
 Investigation Regarding Energy Sense /)
 MASCO)
 _____)

**Notice of Hearing**

The Efficiency Committee of the California Energy Commission ("Energy Commission") will conduct a hearing regarding the complaint / request for investigation filed by California Living & Energy and Duct Testers, Inc. (collectively "complainants") against Energy Sense / MASCO Group of Companies and Subsidiaries (collectively "respondents"). Commissioner Arthur H. Rosenfeld, Ph.D., is the Presiding Member.

The hearing will be held:

TUESDAY-THURSDAY, MARCH 17-19, 2009

Beginning each day at 9:00 a.m.
 CALIFORNIA ENERGY COMMISSION
 1516 Ninth Street
 First Floor, Hearing Room A
 Sacramento, California
 (Wheelchair Accessible)

Purpose

The hearing will be used to determine the validity of the allegations contained in the complaint, by way of the introduction of testimony, written documents, and other evidentiary materials. Documents previously filed in this proceeding can be found on the Energy Commission's website at www.energy.ca.gov/title24/enforcement/2008-CRI-01/documents/index.html.

Background

On July 9, 2008, the complainants filed a written complaint with the Energy Commission, pursuant to title 20, Section 1231 of the California Code of Regulations ("CCR"). The complaint alleges that respondents are in violation of title 20, Section 1673, subd. (i) (2) of the CCR, in that they provide HERS rating services but are not entities independent from the builder or subcontractor installer of energy efficiency improvements that are field verified or diagnostically tested.

By way of an Efficiency Committee order dated August 5, 2008, the complaint was served on the respondents by certified mail and via first class mail to interested parties. On August 28, 2008, the respondents filed with the Energy Commission a written answer to the complaint. Respondents denied they were in violation of the applicable regulations, and asserted several affirmative defenses to the allegations contained in the complaint.

Public Participation

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this forum, please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us). If you have a disability and require assistance to participate, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

Please direct all news media inquiries to the Media Office at (916) 654-4989, or by e-mail at [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us). Inquiries may also be made to Eurlyne Geiszler at (916) 654-4052, or by e-mail at [\[egeiszle@energy.state.ca.us\]](mailto:egeiszle@energy.state.ca.us).



ARTHUR H. ROSENFELD, Ph.D.
Commissioner and Presiding Member
Efficiency Committee

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

**Complaint / Request for Investigation
REGARDING ENERGY SENSE / MASCO**

**DOCKET NO. 08-CRI-01
PROOF OF SERVICE LIST**

INSTRUCTIONS: All parties shall (1) file a printed, original signed document plus 12 copies OR file one original signed document and e-mail the document to the Docket address below, AND (2) all parties shall also send a printed OR electronic copy of the document, plus a proof of service declaration, to each of the entities and individuals on the proof of service list:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 08-CRI-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

Ivor E. Sampson, Esq.
Sonnenschein Nath & Rosenthal
525 Market Street, 26th Floor
San Francisco, CA 94105-2708

ConSol
Attn: Mike Hodgson
7407 Tam O'Shanter Drive
Stockton, CA 95210-3370

California Living & Energy
Attn: Bill Lilly, President
3015 Dale Court
Ceres, CA 95307

California Certified Energy Rating & Testing
Services (CalCERTS)
Attn: Mike Bachand
31 Natoma Street, Suite 120
Folsom, CA 95630

Carol A. Davis
CHEERS Legal Counsel
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Palos Verde Estates, CA 90274

California Building Performance Contractors
Association (CBPCA)
Attn: Randel Riedel
1000 Broadway, Suite 410
Oakland, CA 94607

Certified Energy Consulting
Attn: John Richau, HERS Rater
4782 N. Fruit Avenue
Fresno, CA 93705

California Home Energy Efficiency Rating
System (CHEERS)
Attn: Robert Scott
20422 Beach Blvd.
Huntington Beach, CA 92648

Duct Testers, Inc.
Attn: Dave Hegarty
P.O. Box 266
Ripon, CA 95366

Energy Inspectors
Attn: Galo LeBron, CEO
1036 Commerce Street, Suite B
San Marcos, CA 92078

ENERGY COMMISSION

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Dennis Beck
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DECLARATION OF SERVICE

I, Scott McDonald, deposited copies of the attached Notice of Hearing in the United States mail on February 26, 2009, at Sacramento with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



Scott McDonald