



BRUMMITT ENERGY ASSOCIATES INC.
Resource Efficient Buildings

2171 India Street, Suite B
San Diego, CA 92101
(619) 531-1126 tel
(619) 531-1101 fax
info@brummitt.com

August 13, 2009

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
First Floor, Hearing Room A
Sacramento, California

DOCKET	
09-AB 1103-1	
DATE	<u>8/13/2009</u>
RECD.	<u>8/13/2009</u>

Re: Draft Regulations to Implement AB 1103

Thank you for the informative presentation on August 13, 2009. I have the following comments.

1) Recognition of Energy Efficiency Retrofits

A stated purpose of AB 1103 is *to motivate building operators to take actions to improve the building's energy profile (SEC 1(b))*.

To support this result, I think it is extremely important to include a legitimate place and way to disclose energy efficiency retrofits. Retrofits which occurred within the previous 12 months of the Rating should not be penalized by an out-of-date Rating. Quite the opposite: they would be proof that the bill is working as it was intended. Benefitting from retrofits should be *encouraged*.

- a) An energy efficiency retrofit could be referred to on the Statement of Energy Performance, and attached as a separate Rating.
- b) This could be accomplished by recognizing and using the "Designed for Energy Star" approach (which requires building modeling)
- c) Or, if modeling were not done, then a partial year's energy performance could be shown.
- d) The chosen approach could be extended to the CA Energy Performance Rating.

2) Schedule for Implementation

Section 1685(a) postpones the start of implementation until July 1, 2010. Why not maintain the start date of January 1, 2010 for buildings which are ratable using the existing Energy Star benchmark? The delayed dates are appropriate to allow time to further develop and test the CA Rating.

3) Handling Information which is Unknown

- a) If energy use information is un-disclosed, it could be given a conservative default value, using the available benchmarking tool. This would allow an overall Rating to proceed, and avoid holding up a financial transaction.

- i) If a CA Rating exists, use that instead of Energy Star, as likely to be most accurate.
 - ii) Say, at 25% level? (something lower than the building stock average.)
 - iii) Conservative defaults have been effectively used in Title 24 to encourage the use of real information, but allow calculations to proceed when it is not readily available.
 - iv) A Rating can be updated at any time, if and when more complete information becomes available.
- b) If part of the building is unoccupied, it could be assigned an average (50%) Rating. This would allow an overall Rating to proceed, and avoid holding up a financial transaction.
- i) This would be disclosed as being a default value.

4) Competence of certifiers for the CA Rating

- a) Given the importance of the Rating to building valuation, and the high likelihood of mistakes and/or willful misinformation in the inputs, it is important to have training and verification.
- i) What is the value of having a notary verify a signature, if the preparer has no required skillset?
 - ii) The CEC should spot check the validity of the Ratings. This would likely be similar to tracking Title 24 enforcement and compliance levels.
 - (1) However, this is even more important than for T-24, because so much more money (read: liability) is involved in the actual valuation of buildings.
 - iii) Develop or co-opt a "Building Rating Certification" program for certifiers
 - (1) Examples include CABEC/CEA, HERS/Raters, AEE/CEM, and ASHRAE/HPBP.
 - (2) PE's *may* have, but do not necessarily have, the appropriate knowledge.
 - iv) This could be required or voluntary
 - (1) Required, fastest way would be to co-opt an existing program like CABEC Non-Res CEA, with a special training module
 - (2) Voluntary, but recognized and encouraged, such as CABEC CEA has been used
 - (3) Voluntary for the first 2 or 3 years.

Please feel free to contact me if you want to discuss any of these issues further.

Thank you,



08-13-09

Beth Brummitt, Principal

date