

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:)
)
Regulation of Home Energy Rating)
Programs For Residential Dwellings)
-----)

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STAFF WORKSHOP ON
HOME ENERGY RATING SYSTEM PROGRAM (HERS)
QUALITY ASSURANCE ISSUES

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street

Hearing Room B

Sacramento, California

THURSDAY, JULY 9, 2015

10:00 A.M.

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P R O C E E D I N G S

1
2 July 9, 2015 10:00 a.m.

3 MS. MACDONALD: My name's Rachel MacDonald,
4 I'm with the California Energy Commission. Today's
5 workshop is on the Home Energy Rating System, HERS
6 Program, specifically scope of quality assurance
7 issues.

8 My colleague, Tav Commins, will be doing the
9 majority of the QA portion, as well as our supervisor,
10 Lea Haro.

11 Before I launch into this, I just wanted to
12 cover some housekeeping issues.

13 First, there's bathrooms outside to the left,
14 men's and women's.

15 If you are hungry or need something to drink,
16 we do have like a little cafeteria snack bar on the
17 second floor, so feel free to break as needed.

18 We are not on a super set schedule. I think
19 we had lunch indicated at 12:30. We might do between
20 12:00 and 12:30 breaking for an hour if there's a good
21 point to leave off at that time.

22 We do have the WebEx currently recording. I
23 would like to say that the WebEx is a courtesy
24 recording that we offer, it's not a guarantee of
25 quality. The IT guy just indicated today that the

1 recordings from proceedings yesterday weren't recorded
2 well. And in my previous workshop on May 12th, due to
3 our operator error, we had unmuted and disconnected a
4 few people speaking at the time.

5 So we do have a court reporter, as well as we
6 had a court reporter for the last workshop, so if you
7 miss something on the WebEx recording, we'll have
8 transcripts available probably three to four weeks
9 post today.

10 Also, when you speak into the microphone
11 initially going forward for courtesy to everyone on
12 the phone as well as for recording the transcripts,
13 identify yourself and your affiliation, and then make
14 sure your microphone light is on, the green light.

15 So the purpose of today is to review
16 procedural process, timeline and activities for this
17 OII. That's Order Instituting Investigation. We are
18 in what's considered a pre-rulemaking phase right now.
19 The scope and what we're discussing is specific to
20 field verification and diagnostic testing for quality
21 assurance issues.

22 And at this point we talked about it quite a
23 bit at the last workshop on May 12th. We want to
24 further delve into recommendations so we can begin
25 developing draft regulatory language, so we want to

1 get into the real specifics today.

2 So the procedural process is just an overview
3 of the agenda. We did break the actual QA discussion
4 into a few areas, talking about Provider QA rates,
5 overall uniformity in QA for all of the Providers
6 across the board having clear direction from the
7 Energy Commission. That's so we have consistency for
8 Providers and for Raters.

9 And then, again, uniformity and consistent
10 direction to Providers for disciplinary process.

11 And then this increasing QA compliance, and
12 I'm going to defer to Tav on the QA portion because
13 Tav works so closely with Raters and the Providers.
14 He was the primary developer of the QA slides that we
15 have today and the focus, and Tav really wanted to
16 invite discussion with everyone here and on the phone
17 to kind of brainstorm additional QA compliance ideas.

18 We're not at this point completely sold on
19 anything or married to anything, and if someone has a
20 great idea or perspective that's innovative and
21 unique, we want to hear it.

22 And then at the end of the day, which I'm
23 hoping we get into a lot of really detailed
24 discussion, but if we wrap up early, we'll go into
25 next steps we anticipate later with the timeline.

1 So the OII is the Order Instituting
2 Informational Proceeding, that's known as pre-
3 rulemaking, and it's open public process. There will
4 be transcripts from today. This was publicly noticed.
5 Everything we do within the context of the OII is
6 publicly posted. Public comments and everything is
7 docketed publicly and it's available to basically
8 develop a robust record for procedural and judicial
9 review.

10 And so when we are in this pre-rulemaking
11 process it's with the anticipation of going into
12 formal rulemaking. So basically right now this is the
13 time that we get all the kinks out and this is where
14 we kind of go back and forth on the one percent/two
15 percent, half percent/one percent. This is the point
16 where we really get the details hashed out and we can
17 go into formal rulemaking on solid ground.

18 I'm ahead of the game on all this.

19 So again, everything's public, meeting
20 notices, comments are public. You can always call us
21 to discuss anything, you don't have to have private
22 discussions with staff in public. We're available for
23 that.

24 If you have a question about the OII or I've
25 had inquiries from individuals who had staff that

1 weren't able to participate or other stakeholders that
2 they collaborate with, and I've said have them give me
3 a call, I'm happy to talk to them.

4 Under the part that it has to be public
5 record is if I'm going to try to hold a meeting type
6 thing with just a few stakeholders; I can't do that.
7 Certainly we can talk to individuals, we can talk to
8 businesses, we can talk to Providers, but to hold an
9 actual like a quorum or group together, we need to
10 then in that case publicly notice it and it's part of
11 the public process.

12 So going into the rulemaking process, again
13 like I had said, the pre-rulemaking process that we're
14 in right now is technically informal. It does have
15 formal procedural processes that we're required to do
16 by law, but the actual rulemaking process, the OII
17 prepares us to go into the OIR.

18 The OIR, again, is all public too. It's a
19 bit more formal because we do this in coordination
20 with the Office of Administrative Law. It is to be
21 concluded in twelve months. Again, it's got full
22 public workshop, comment periods, and all of that back
23 and forth with comments and reviews. Again,
24 establishes a public record for judicial review prior
25 to implementing final regulations.

1 So to talk about timing, based on today being
2 July 9th, we're hopeful that sometime this fall we'll
3 have a draft document and have actual proposed
4 language and changes, and we'd have another public
5 workshop and a comment period. And based on the
6 outcome from that, that'll give us an idea of are we
7 ready to move forward and launch into formal
8 rulemaking.

9 So we do have an idea that we'd like to go
10 into formal rulemaking if we are ready, kicking that
11 off around December this year or January, that's what
12 we have on our calendar. That's subject to change,
13 it's not final, it's not a hard date, it's subject to
14 change, but if everything goes well as far as having a
15 good collaborative consensus on proposed draft
16 regulations, that's the timing we're looking at.

17 And it just has to be launching into formal
18 rulemaking must be concluded within twelve months. If
19 we go into formal rulemaking with a solid package,
20 it's my understanding that it can end sooner.

21 Bill Pennington is here. He's been through
22 many rulemakings, and so I'm going to ask you, Bill,
23 and put you on the spot, is that true. If you go into
24 it with a solid package, you can conclude sooner than
25 twelve months?

1 MR. PENNINGTON: Sure. The formal process at
2 a minimum takes five months, five to six months if
3 everything zooms through.

4 One thing I'd just comment, since you invited
5 me up here. This slide says the OIR has to be
6 completed within twelve months, and actually it's the
7 rulemaking proceeding that has to be completed in
8 twelve months, and the start of that would be the date
9 that the Notice of Proposed Action is published.

10 MS. MACDONALD: The NOPA.

11 MR. PENNINGTON: The NOPA is published. So
12 you have twelve months.

13 MS. MACDONALD: Twelve months from the time
14 the NOPA is published, okay. Thank you for clarifying
15 that.

16 So today it looks like we have everybody. We
17 definitely have enough room at the table for a
18 roundtable discussion, which makes it easier on
19 everyone because everyone has microphones instead of
20 getting up and down. So Bill, Ashid, James, Roberto,
21 feel free to have a seat.

22 In regard to our comments, please keep your
23 comments succinct and subject specific. Again, the
24 scope of today is quality assurance. I encourage you
25 to submit comments in writing too, and to be

1 respectful, of course, to each other and fellow staff.

2 Okay. So going into our first topic, I will
3 go ahead and pass off to Tav. And for those on the
4 phone, we will when we move into QA I'll check with
5 you and see if you have comments as well. Thank you.

6 MR. COMMINS: Good morning, my name is Tav
7 Commins. So during today's workshop I would like us
8 to remember the big picture. The HERS program was
9 started because installers were not doing the work
10 properly. We as an industry need to ensure that
11 homeowners are receiving a quality product. So when
12 we are discussing updating the regulations, we need to
13 always ask ourselves is this helping the owner receive
14 a quality product?

15 The first topic we will cover is the
16 Provider's QA rate. We want to set the appropriate
17 rate to ensure we catch those Raters who are trying to
18 cheat the system and passing homes that should not be
19 passed.

20 The Provider is required to do a QA on a
21 minimum of one installation or one percent of all
22 sampled or untested installations. Requiring the
23 Provider to do QA on work that a Rater never verified
24 is the only way that we can have any idea of how well
25 sampling is working.

1 And I have a question for the group. Is it a
2 good idea for us to know how well sampling is working?
3 And if you agree that it is, should the percentage be
4 kept the same, should it be lowered? So I just wanted
5 to get comments from the audience.

6 MR. BACHAND: Does that mean we're invited to
7 launch in?

8 MR. COMMINS: Yes, please.

9 MR. BACHAND: This is Charlie Bachand from
10 CalCERTS. Hopefully I'm not speaking just for myself
11 when I say that we all agree that it would be nice to
12 know if sampling is actually working properly. But
13 rather than talking just about the quota being raised
14 or lowered -- I'm in favor of it being lowered based
15 on the volume that's actually involved there, it's
16 fairly substantial -- but I also want to talk about,
17 well, how is this benefiting the homeowner at all?

18 Currently it isn't at all. Currently, the
19 only potential hypothetical benefit that could be done
20 from doing QA on sample groups, in my opinion, is if
21 after a long period of time you were able to somehow
22 prove that a Rater wasn't selecting addresses
23 randomly, and I don't even know what that would
24 require, but it would require way more than one or two
25 QAs on the same Rater in sample groups.

1 We're not doing that. And we also are not
2 notifying the homeowner or the contractor. There's no
3 formal process for that. There's no accountability
4 for any of that.

5 So unless we can address those issues, I
6 almost do feel that reducing the quota to zero on this
7 would be acceptable, because nothing is coming of it.

8 On the other hand, if we can address those
9 issues, I'd like to see the quota remain but maybe at
10 a half of a percent instead of a full percent.

11 MR. COMMINS: Thank you. Is there anybody
12 else?

13 MR. NESBITT: George Nesbitt, HERS Rater.
14 One percent is insignificant. In the third party
15 control program one out of thirty is, what, 3.3
16 percent. When we sample we're doing one out of
17 fifteen.

18 There is absolutely value in QA, or actually
19 we should say QC, of sample projects. It's perhaps
20 more a check on the contractor than the Rater, in
21 truth. Are contractors who are being sampled actually
22 testing their own work, or are they just lying,
23 committing perjury?

24 So the question is, I mean, I guess there's a
25 lot of problems with access to projects. So honestly,

1 we need the CSLB to require contractors to notify
2 homeowners that their project falls under the HERS
3 regulations, may or may not be tested although they
4 have the right to have it tested. And whether it's
5 been tested or not, that the HERS Provider may be
6 notifying them, wanting access for quality control.

7 And the HERS Rater also should be notifying.

8 The problem with a sample project is we have
9 no direct contact with the owner, but perhaps it
10 should also come from the Rater.

11 And I would say sampling should be based on
12 the contractor, or just measures as total. To some
13 extent, maybe by doing it based on the Rater, maybe
14 you'd be able to determine whether the Rater is
15 playing any games with what they sample, but somehow I
16 doubt that's less of a problem than the contractor
17 playing games.

18 The problem in Title 24, I'd raised this for
19 two code cycles, it says, "The builder shall choose
20 which units get tested or sampled." I would never let
21 my builder choose. As a HERS Rater, I choose. You
22 may tell me what's ready, but I choose. I'm random.
23 So absolutely.

24 MR. COMMINS: Thank you. Dave?

25 MR. HEGARTY: Dave Hegarty, Duct Testers.

1 I'd like to start from the beginning and point out
2 that -- and since this is an opening statement style
3 situation -- to have you put it absolutely correctly
4 that we need to get back to where the root of the
5 problem is, and I'll read directly from your slide.

6 "Stakeholders agree that there is a lack of
7 accountability, lack of installer/contractor
8 accountability."

9 So if the installers are not doing their own
10 testing, they don't learn and they continue to do the
11 same problems over and over again, and then the next step
12 is to ask the Rater to look the other way.

13 Again, I know some staff members of the CEC
14 don't believe this still happens, but every day you
15 get asked to look the other way by some contractor,
16 big or small. The big contractors are not asking you
17 directly but their installers are because they don't
18 want to get in trouble, right?

19 So I would like to get back to the core issue
20 of where the responsibility lies to get it done
21 correctly, or the education of that, so that the
22 contractors, their installers are properly trained and
23 we don't have this request to look the other way or
24 the attempt or temptation to look the other way. That
25 would be my opening statement.

1 MR. COMMINS: Thank you.

2 So Rachel was asking, Dave, what kind of
3 training do you think these contractors should need or
4 be required to be taken; is that what you're
5 recommending?

6 MR. HEGARTY: Absolutely. I'm recommending
7 that the system that we have in place really works.
8 When we first put it into play, you'll remember we all
9 did quite well because we were teaching. Now there's
10 been a whole changeover of technicians and people
11 trying to learn again, and we don't have that.

12 I think we need to get education to the
13 contractor because the core root of the problem is the
14 contractor's technicians are not properly educated and
15 trained on the policies that we have as energy that
16 need to be measured.

17 MR. COMMINS: Thank you. Any more comments?
18 Do we have anybody on the phone who would like to
19 comment?

20 MR. GRANBACK: Dan Granback with Energy
21 Inspectors.

22 MR. COMMINS: Okay, go ahead, Dan.

23 MR. GRANBACK: Thank you, Tav. I agree with
24 Dave Hegarty's comments on his opening statement. I
25 really think the core problem here is getting the

1 contractors to understand the Energy Code and
2 understand test measures, understand the documents.
3 And I think that will alleviate a lot of the issues
4 that we face as HERS Raters when we go out to test
5 homes, you know, we're doing double duty work. Trying
6 to meet the client's aggressive build schedules out
7 there, and also explain how to fill the forms out, how
8 to get these trades involved in the registry process.
9 How to assist them to comply with all the new measures
10 out there. So I agree with Dave on that.

11 And I also like the QA. I do not want y'all
12 HERS Providers to diminish our QA percentage. I think
13 the QA is very beneficial for the Raters out there in
14 the field to understand that there is somebody
15 overlooking them and making sure that they're
16 following the policies per the Code.

17 And also too, I think that it's good for
18 Providers to give us feedback on our QA. You know,
19 what are we doing wrong out there? I'm not going to
20 say that HERS Raters, all of them are out there
21 turning their head the other way or trying to be
22 negligent, but some of them, they may make a mistake
23 out there that is not deliberate. And if it's
24 something that could be corrected and educated by the
25 HERS Provider, I'd like to see more of that

1 participation.

2 MR. COMMINS: So Dan, hold on a second. So
3 to clarify, this is just for those that are sampled,
4 that have not been tested by a Rater; that's what
5 we're talking about right now is possibly lowering
6 that rate for those jobs that have not been tested by
7 a Rater.

8 MR. GRANBACK: Oh, I think we should increase
9 it. I think we should increase that not tested by a
10 Rater, I really do. I think we should either keep it
11 the same or increase it.

12 MR. COMMINS: Okay, thank you. Is there
13 anybody else on the phone?

14 MR. BACHAND: I have a follow-up if that's
15 okay?

16 MR. COMMINS: Okay, it looks like Charlie.

17 MR. BACHAND: So the initial question raised
18 in the slide is discuss the pros and cons of modifying
19 or deleting this one percent requirement on sample
20 groups. And we've started talking about contractor
21 training, which I'm in favor of, I think that would be
22 great. We could add it to Title 20. We could make it
23 some sort of requirement.

24 We'd still have the huge question of what to
25 do about accountability afterwards, because just

1 because they took the training wouldn't mean that they
2 would necessarily adhere any more or any less to the
3 rule of Title 24. And there still wouldn't be any
4 CSLB accountability.

5 So I'd like to turn the conversation back to
6 the quota. I think that the quota is pretty high
7 based on sampling volume, and I'd like to see it
8 reduced, as I said.

9 I think that the contractor training idea is
10 interesting and useful and it is similar to ideas that
11 the Energy Star people are pushing nationally. I
12 think that's valuable, too.

13 But I don't think it really addresses the
14 core issue of the quote and how Providers are supposed
15 to be notifying Raters of the results, homeowners of
16 the results, and contractors of the results,
17 especially in this particular case. So I'm hoping
18 that we can hear more suggestions or discussion on
19 that particular topic. It's a fairly important one to
20 the Providers, or at least CalCERTS.

21 MR. COMMINS: So another clarification.

22 So we've got one percent of the Raters' jobs
23 that need to be tested, but every one Rater job there
24 could be six sampled. So I think what Charlie is
25 alluding to is that there's a lot of QA that needs to

1 be done on sample jobs compared to jobs that a Rater
2 has conducted.

3 MR. NESBITT: George Nesbitt, HERS Rater. It
4 would really help to have an intelligent discussion
5 with some data. You've got multiple Providers that
6 are supposed to go to the Energy Commission data. The
7 Commission has data, but I don't think I have ever
8 seen any data on the HERS industry. How many jobs;
9 what sort of measures are tested; where; no aggregate
10 data.

11 I'm sure you have the data as to the
12 percentage of sampled measures or addresses or
13 whatever versus those that are tested.

14 On some projects I work on, we're doing a
15 hundred percent testing at rough, and then sampling at
16 final. So even though it's sampled, it's been tested
17 a hundred percent.

18 You would think on an 80-unit project the
19 HVAC contractor could afford a duct tester for two
20 grand and do it themselves, and it certainly would be
21 ideal. But what we're talking about is every HVAC
22 contractor having to buy thousands and thousands of
23 dollars of equipment that honestly, yes, they should
24 have, but most of them don't want to. So the Rater
25 either ends up doing a hundred percent or we're

1 sampling on the assumption that they are.

2 MR. COMMINS: Dave's got a comment.

3 MR. HEGARTY: Dave Hegarty, Duct Testers.

4 Making that data public such that he was talking about
5 would be a good start so we could all examine what it
6 is in an aggregated form so that it's not --

7 But getting back to the problem and the root
8 core issue of this is getting those contractors
9 trained. For instance, you brought up the one and
10 thirty. In the one and thirty group they're one
11 hundred percent tested by somebody. We know that for
12 a fact based on the -- so we need to include that in
13 our discussion.

14 MR. BACHAND: They're tested a hundred
15 percent by somebody in all cases.

16 MR. HEGARTY: They're supposed to be.

17 MR. BACHAND: Well, the contractor.

18 MR. HEGARTY: And that's the issue, that some
19 of the interpretations are just get the work done and
20 put it in a sample group, and that happens all the
21 time.

22 So I'd just like to make sure we include the
23 third party quality control program in this discussion
24 because that in essence has a provable -- in the scope
25 of what it says in Title 20, it would have all the

1 proof necessary to show that it was tested so that you
2 could reduce that part of the QA with the new kind of
3 technology that's coming and we have, right? Does
4 that make sense?

5 MR. COMMINS: Go ahead, Mark.

6 MR. WEISE: Mark Weise at CalcERTS. Another
7 option with this. There is a difference with new
8 construction and alterations as far as what we've seen
9 with QA and with sampling and what passes and what
10 doesn't. New construction tends to be more likely to
11 pass a QA as opposed to alteration, so an option might
12 be on new construction take it down to half percent,
13 alterations leave it at one percent.

14 MR. COMMINS: Thank you.

15 MR. NESBITT: George Nesbitt. A
16 clarification on the one percent. Is that one percent
17 of addresses, one percent of measures, or what?

18 I think the Rater QA/QC it's more clear that
19 it's based on measures. On the sample groups what is
20 the one percent based on?

21 MR. COMMINS: I believe it's the same as the
22 Rater. No? I need to look at the regs.

23 MR. BACHAND: It's per address.
24 1673(i)(4)(a), "The greater of one house or
25 installation or one percent of all."

1 Oh, excuse me, Tav, I think you were right
2 after all. "For houses or installations passed as
3 part of a sampling group but not specifically field
4 verified or rated by a Rater, the greater of one house
5 or installation or one percent of all unrated or
6 untested buildings or installations shall be
7 independently rated or field verified."

8 So it's houses for new construction and
9 installations for alterations. It must be addresses
10 for whole house ratings, too.

11 MR. COMMINS: Okay, thank you. Anybody else
12 like to comment? Go ahead.

13 MR. BERIAULT: Good morning, Eric Beriault
14 with Energuy. I do like your opening remarks, Tav, in
15 regard to what we're trying to achieve and its value
16 for the homeowner, and I want to make sure that my
17 comments, it's understood that it's directed mostly at
18 alterations, which is what we focus on. We don't have
19 a lot of experience in the new construction market.

20 I do agree with CalcERTS that there's
21 definitely an issue with accountability and that needs
22 to be addressed.

23 I want to make a point that the solutions
24 that we find to this will be from people in the room
25 and on the phone, not from other industries or

1 associations, so I think it's on us to find the
2 solutions.

3 One solution for alterations is if there's a
4 higher rate of QA failures with sampling, a solution
5 would be to eliminate sampling for alterations; that's
6 a solution.

7 If we're talking about training, potentially
8 it's a training to quality for sampling; that's a
9 solution. So a contractor would have to be certified.
10 Then we know that they actually own the equipment so
11 that they can do it.

12 And I also will agree with CalCERTS that if
13 we do find a solution, then the QA, we can look at
14 adjusting the QA rate. If we're -- one of the things
15 that we could do is the one percent could be across
16 the board, not one percent and then one percent of
17 untested homes by a Rater, so it could just fall back
18 into the one percent or less, depending on what the
19 solution is.

20 Thank you.

21 MR. COMMINS: Anybody else?

22 MR. NESBITT: Gary Klein once said for
23 sampling to be valid, you really have to test a
24 hundred percent for at least 20 or something before he
25 felt it was valid to sample. So I do think that,

1 well, perhaps across the board we would not want to
2 eliminate sampling. The truth is, it should prove
3 that you can meet the standard and consistently before
4 we back off and sample you.

5 And I think some of this goes back to whether
6 or not a contractor has equipment or not. A lot of
7 them don't, so in a sense we are doing a hundred
8 percent.

9 And then I suppose if you wrote it as a one
10 percent minimum of all jobs and then how much goes in
11 each bucket is more flexible. Perhaps it's a minimum
12 of one percent. One percent of what? Not being
13 defined necessarily, so that could be addresses or
14 measures or whatever. And then there could be
15 flexibility to focus.

16 If the problem is alterations, that gets a
17 higher amount of the QC, whereas if new construction
18 is less of a problem on failures, on retesting
19 samples, then it deserves less attention.

20 MR. COMMINS: Okay. Don Charles, did you
21 have any comments?

22 MR. CHARLES: No, I'm fine right now just
23 listening in.

24 MR. COMMINS: Okay, thank you. Okay. So are
25 we ready to move onto the next slide?

1 So there's actually two different issues on
2 this slide.

3 First issue, the Provider is required to
4 randomly conduct QA on an additional one percent of
5 all the Provider's remaining database of tested and
6 sampled measures.

7 So basically the Provider, once all the QA
8 has been done, they're supposed to look at their whole
9 database and just automatically randomly pick one
10 percent out of their complete database.

11 So I wanted to get the group's thoughts on
12 modifying or deleting this requirement.

13 MR. WEISE: Yeah, that additional one
14 percent, it kind of becomes at that point just a
15 numbers thing, just your volume, and it takes away the
16 quality of the quality assurance. It causes the
17 Provider to have to just chase numbers instead of
18 looking at issues. So I'm all for just completely
19 eliminating that.

20 MR. COMMINS: Thank you.

21 MR. BACHAND: If I can chime in real fast.
22 Another issue that we've discovered with the one
23 percent is Raters are very sensitive, and some rating
24 firms actually are extremely sensitive to let's count
25 how many jobs my Rater has done, how many measures,

1 and I'll calculate the one percent off of that. And
2 then if they perceive for any reason that they're
3 getting additional QA, right or wrong, they are very
4 responsive to that.

5 The random one percent is essentially
6 randomly spreading the pain to one percent of the
7 people that have already been subject to a normal QA
8 quota based on measures. Now a random one percent of
9 people are again subject to additional QA, and that
10 leads some people to feel like they're being
11 persecuted or chased by the Providers.

12 So it ends up damaging the relationship
13 between Providers and Raters because no one can prove
14 that they randomly selected the address, everyone
15 assumes that it was selected for some other reason.

16 MR. COMMINS: Thank you.

17 MR. CHARLES: This is Don with USERA. I
18 agree with both of those comments.

19 MR. HEGARTY: I'd like to again take one more
20 step back. We have no regulatory authority over
21 contractors, right? This is the problem. And we are
22 talking about the one percent that is not tested by a
23 Rater, correct?

24 MR. COMMINS: No, they're supposed to look at
25 their whole database of everything that has been

1 tested and that has not been tested. The only thing
2 they take out is something that's been QA'd once. So
3 they're supposed to look at their whole database
4 except things that have been QA'd and do one percent
5 of that.

6 MR. VANTAGGIO: So an additional track of QA
7 in addition to the one sampled, one tested, Dave.

8 MR. COMMINS: Additional.

9 MR. HEGARTY: What are we doing with that?

10 MR. COMMINS: So if it's done on a Rater --

11 MR. HEGARTY: Let me give you an example real
12 quick. Energy Star now has a regulation that says
13 Rater must test for static pressure, and they can do
14 nothing with it. They can't compare it to the plan,
15 they can do nothing with it. It's a waste of effort
16 and costs the homeowner money.

17 And after all, if we're going back to your
18 original statement, the homeowner is the key here, or
19 should be our focus, and if it's making more work and
20 taking more money to do it, which we're not getting
21 all the QA under the one percent now, we need to
22 rethink that part. That's why I'm saying I'm opposed
23 to it.

24 MR. VANTAGGIO: This is Alex from CHEERS. We
25 just wanted to say we concur with that CalcERTS and

1 USERA said.

2 MR. NESBITT: So the additional one percent
3 is based on all ratings within the Provider's pool,
4 it's not based on a Rater and based on them having a
5 high volume.

6 I would think that, having no data I can only
7 speculate. I mean, whether having essentially what
8 you're saying is at least two percent of all jobs or
9 measures get QA'd. One percent is based on the rater
10 and another one percent is sort of randomly selected,
11 not necessarily based on a Rater, but ultimately
12 whatever you choose comes down on a rater.

13 Without having any data to show whether that
14 extra one percent is being done or whether it's
15 finding anything that's not being found otherwise, I
16 don't know. I mean, I think one percent and two
17 percent is a pittance, but that's my opinion.

18 MR. COMMINS: Thank you. Any more comments?
19 Anybody online that would like to comment?

20 MR. MORTON: This is John Morton from
21 Southern California Edison. I'm going to listen most
22 of the day, but I just want to understand. I've heard
23 from the Providers that they want to eliminate the one
24 percent of the QA on the sample projects, and now they
25 want to eliminate the one percent on this day, so what

1 QA are they advocating for exactly? Because from a
2 utility rebate and (inaudible) standpoint, we rely
3 heavily on the HERS industry to make sure this stuff
4 is being done right, and so I don't think from a
5 utility standpoint we would ever advocate for less QA
6 and QC for anything, and if people are signing their
7 name to either sampling or testing, because even when
8 it's sampled you're signing your name off on it, to us
9 at least, I don't see why they're complaining about
10 being QC'd, because if it's right, it's right; and if
11 it's wrong, it's wrong. And if it's wrong you should
12 know about it so you could fix it.

13 So I'm curious to hear what exactly the
14 Raters are proposing to do for QA if they're
15 advocating for eliminating all these QAs.

16 MR. COMMINS: Provider want to?

17 MR. BACHAND: Well, there's the whole rest of
18 this meeting to discuss and there's our written
19 comments that have been submitted. The one percent
20 per measure is the core of the QA program and we
21 haven't gotten to that yet, but no one is advocating
22 removing that, John.

23 MR. COMMINS: So later on in the slides we
24 are going to be talking about some additional QA
25 requirements that will kind of target problem Raters.

1 MR. HEGARTY: Dave with Duct Testers.

2 John, if you could just give us some money to
3 help us out with that we'd be appreciative.

4 MR. COMMINS: Energuy's got a comment.

5 MR. BERIAULT: I'm in favor of removing the
6 additional one percent with the caveat -- I guess with
7 the rest of the conversation we're going to have
8 throughout the day, it's just all about streamlining
9 and making it equitable for all the participants.
10 Thank you.

11 MR. COMMINS: Don Charles online has a
12 comment.

13 MR. CHARLES: I was just saying we're not
14 advocating for the removal of the core one percent. I
15 just want to reaffirm that we're only talking about
16 the other aspects of it, but definitely not the one
17 percent on the core.

18 And I agree with Edison's point that QA is
19 very important. We have to make sure that we're
20 getting the results out there that the homeowner and
21 the industry believe that we're getting, but I think
22 the one percent addresses that.

23 MR. COMMINS: Okay.

24 MR. VANTAGGIO: I just want to say that
25 CHEERS agrees with the comments that have been made as

1 far as what Eric said and CalcERTS said and that
2 tester has said.

3 Yeah, we're definitely talking about the
4 additional one percent for the overall pool. We're
5 still fully on board obviously with the one percent
6 sample.

7 MR. COMMINS: Okay, thank you.

8 So this is still Slide 10 but it has to do
9 with basically with Raters who do very low volumes,
10 and I just wanted to get the group's input.

11 So right now Providers are required to do QA
12 on, if a Rater did one test in a year, the Provider
13 would be required to go out there and do a QA on it.
14 So it can be very difficult if not impossible for a
15 Provider to get out and do QA on these low volume
16 Raters, and I just wanted to get the group's input on
17 if we should allow a Rater to conduct several ratings
18 each year before the Provider is required to do QA. I
19 wanted to get the pros and cons.

20 So basically, a Rater could do a couple of
21 ratings a year knowing that he would not be subject to
22 QA.

23 MR. VANTAGGIO: Alex with CHEERS.

24 We believe, I mean, QA is a challenge but
25 when it comes to low volume Raters, we feel that it's

1 more of a reason to get to them as soon as possible
2 because, if anything, they're the people that have the
3 least practice doing ratings, so we feel that less QA
4 for those individuals I don't think is necessarily a
5 good idea.

6 On top of that, given the fact that there's a
7 very high attrition rate from the homes that are
8 actually being tested by HERS Raters to the homes that
9 QA can get into due to home closings, homeowners not
10 being aware that we even exist or a variety of
11 reasons. We feel that we should be able to get into
12 this home as soon as possible and try to get him QA'd
13 because if we wait there might not be a chance to get
14 in there down the line. There might or there might
15 not be, so we don't agree with that second statement.

16 MR. COMMINS: Mark.

17 MR. WEISE: I agree with what Alex said on
18 that. I don't think it's that we are not wanting to
19 go out and QA those Raters. The bigger problem is
20 that the letter of the regulations is that we have to
21 do it, and it doesn't allow for the fact that there's
22 two homeowners that this Rater's done. We call them
23 both and they both say no, so because of that we can't
24 meet the letter of the regulations, and I think that
25 was what our initial comments were about.

1 MR. COMMINS: Okay.

2 MR. NESBITT: George Nesbitt. I don't know
3 if it's on the agenda for later. I think in the case
4 of a low volume Rater and a new Rater, this is where
5 we really want QA and QA as a mentoring process. Kind
6 of get out there, make sure they actually learned what
7 they were supposed to in the training, and start doing
8 things right from the get-go.

9 The problem in Title 20 is there's one
10 paragraph there that says all the QA or QC or whatever
11 the heck it is, if it exists, has to happen after all
12 the work is done, so that would be a paragraph that
13 should be deleted.

14 MR. COMMINS: So at the last workshop we did
15 talk about this quite a bit and actually have been
16 working on some language, and my plans are to for new
17 Raters to allow and actually I think I'm going to be
18 recommending requiring that new Raters go out on QAs.

19 MR. NESBITT: I think even an experienced
20 Rater with a high volume, it would never hurt to
21 occasionally end up in the field with them. Go do a
22 QII or whatnot. It shouldn't be prohibited.

23 MR. COMMINS: So I think what I was working
24 on is that we would allow the Provider to have Raters,
25 existing Raters that have been doing this for awhile,

1 allow the Provider to have Raters come out.

2 But again, we talked about this quite a bit.
3 It's been quite a few months. So when the new
4 recommendations come out we'll be able to work on
5 that.

6 MR. NESBITT: Also, I think some of it comes
7 down to evaluating someone who's a new Rater. You
8 know, what's their history, what kind of experience
9 they have, how long have they been doing this kind of
10 stuff. So there's a difference between someone like
11 myself and someone who I just decided to become a HERS
12 Rater who has no background in construction, so in
13 that sense I think Providers need to be able to
14 evaluate the skills and experience that a Rater has,
15 and whether or not they may need a little more help
16 and focus versus someone else.

17 MR. COMMINS: Okay, thank you.

18 Don Charles?

19 MR. CHARLES: Yeah, I was just going to say,
20 are you talking about possibly allowing the Provider
21 to show up live on the site and walk through a live QA
22 process on a live job; is that what you're referring
23 to?

24 MR. COMMINS: I think that's one of the
25 options that we've discussed at the last workshop.

1 MR. CHARLES: I think that would be very
2 helpful if the QA auditor wasn't leading the process.
3 I think it would be very helpful if the QA auditor
4 could come and see the lay of the land, what tests
5 needed to be conducted, and then watch the Rater go
6 through their process just to see if they actually did
7 not only the procedures that were required on the job
8 but if they conducted those procedures accurately and
9 effectively.

10 I think that would be a very helpful process.
11 It would also eliminate the issues with homeowners
12 being available or not letting us into do those jobs,
13 it would eliminate some of that.

14 So I'm not suggesting that all the jobs have
15 to be done that way, but I think it would be a helpful
16 process to be live. It could be a teaching
17 opportunity for the Rater. It could be definitely a
18 quality assurance follow-up. And I think it would cut
19 to the chase a lot faster as far as getting into these
20 homes to make sure that we're auditing them.

21 MR. COMMINS: So why don't we go on to the
22 next slide.

23 Dave Hegarty's got a comment.

24 MR. HEGARTY: There is a solution to this or
25 a possible consideration that you could do on these

1 low volume Raters. Data audits can come out with some
2 material on that. I know both Alex and Mark are
3 familiar with that kind of thing and looking at the
4 problems from that perspective.

5 If you can't get out to the homeowner and the
6 home planner won't let you in, or he's a low volume
7 Rater that's going to be less than one hundred, maybe
8 we have a requirement in there to look at their data
9 more frequently. And then keeping in mind expense to
10 the homeowner, this would be a good way to do it.

11 And then with the new equipment that's coming
12 into play all over the United States, we might be able
13 to use that to actually do an audit with him while
14 you're sitting in front of your computer too.

15 So keep those things in mind as we move
16 forward. I'm anxious to get to that part.

17 MR. COMMINS: Okay. Any comments on the
18 phone.

19 MR. CHARLES: Don with USERA.

20 I liked what Dave had to say and I think that
21 the incorporation of additional technologies to help
22 streamline some of this moving forward could be
23 helpful.

24 MR. BACHAND: Charlie with CalcERTS.

25 I'm very much in agreement with a lot of

1 what's been said and I'm interesting in pursuing the
2 idea of letting new Raters be present at QA one way or
3 the other.

4 I'm interested in the idea of data audits.

5 I only have one thing to add, and that's that
6 I'd like there to be a formal process for the Energy
7 Commission to acknowledge that the Provider has met
8 their quota on individual Raters when the Provider can
9 prove that they've made a good faith effort to contact
10 that homeowner and get in the home and have been
11 rejected, so I'd like to propose that there's some way
12 of submitting that evidence and having that be counted
13 against a quota.

14 MR. NESBITT: George Nesbitt.

15 Something I mentioned in the last workshop is
16 really the difference between QA and QC, and I think
17 you need to better differentiate it where something
18 like the one percent random of all of the Provider's
19 jobs, that's really more of a QC thing. You're going
20 to go out, test things, or you're going to do, through
21 some means, randomly checking and find problems or
22 not.

23 Whereas in talking about low volume Raters
24 we're talking about a QA mentoring process that's much
25 more hands on direct. So then even in the general

1 Rater QA of one percent the question is, is that QA
2 where we're working more with them versus QC.

3 I suggest we need both, and in that sense
4 eliminating the one percent, it could be a lower
5 percentage of the total pool that helps serve as a QC,
6 so think about that difference.

7 MR. COMMINS: Thank you. More comments? Why
8 don't we move on to the next slide, then.

9 So some measures are very difficult for
10 contractors and Raters to pass. Should we require
11 higher QA rate for measures that are difficult to
12 pass? Should we require a QA rate that's lower for
13 measures that are easy to pass? Or should the QA rate
14 remain the same for all measures? I just wanted to
15 get your input on having different rates for different
16 types of different measures.

17 MR. VANTAGGIO: Alex with CHEERS.

18 In the interest of simplicity, we think that
19 QA rates should be all the way the same across all
20 measures.

21 On top of that, we don't feel that just
22 because a measure is hard to pass that they should get
23 to slide on the amount of QA being done on it. So
24 things like QII and fan watt draw, we don't see a
25 reason why the QA rate should be lower just because

1 they're more intricate tests to pass, so it should be
2 the same all the way across.

3 MR. NESBITT: George Nesbitt.

4 I guess one of the questions would be, the
5 way it's written it's like one percent of each
6 measure. One or a minimum of one or one percent of
7 each measure that the Rater verifies. It might be
8 easier to say one percent of the Rater's measures,
9 just one percent of all measures as opposed to each
10 measure, because when you slice it out by each
11 measure, one or a minimum of one, it actually becomes
12 a much larger percentage.

13 So I would agree in a sense that just because
14 a certain measure might be harder to achieve, that
15 doesn't necessarily mean it needs more QA or QC. I
16 would say in part if measures fail more often, that's
17 something that needs more attention.

18 Although something like QII is partly
19 subjective, whereas a fan watt draw, its measurements,
20 not that measurements are perfect and accurate and
21 always repeatable, but it's a little more clear cut.
22 I took my measurements; it passes, it fails. Whereas
23 QII, well, that looks bad to me but it may look good
24 to them.

25 MR. COMMINS: Thank you. Mark.

1 MR. WEISE: I agree with Alex. Keeping the
2 rate of the measures the same is -- we should just
3 keep them as they are.

4 And as far as measures that pass more easily
5 and more difficult, that's where eliminating that one
6 percent on top, that kind of thing. Keeping the
7 quotas reasonable so that we have the flexibility to
8 recognize there's problem areas, and then we can look
9 at those. So it's just the overall volume that's a
10 bigger issue.

11 MR. COMMINS: Thank you. Charlie.

12 MR. BACHAND: Charlie with CalcERTS.

13 I'm going to follow up with noting that if we
14 were to make a change to these measures based on pass
15 or fail rates, one, how often would that change.

16 But two, that's an extra level of
17 complication on an already complicated process. I can
18 imagine already the computer programmers that have to
19 track all of this, their heads are exploding. Then
20 the QA people that have to schedule and go out there,
21 their heads will explode.

22 And then when we try to explain this to
23 Raters, new Raters that are just starting their
24 business and want to have an expectation of how well
25 they'll be QA'd, guys that have owned rating firms for

1 years and now have to juggle ten or fifteen different
2 QA quotas rather than just a one percent per measure,
3 I think the level of confusion is much higher than the
4 potential return on investment in this kind of thing.

5 MR. NESBITT: George Nesbitt.

6 Let me give you an example of sampling.

7 So sample one in fifteen, when I do a project
8 and you sample by unit type, it's supposed to be by
9 unit type, plan type. Well, often when you go through
10 a building, by the time you do one plus one and seven
11 or whatever, it's now 30 to 40 percent of the whole
12 building that you sample.

13 Whereas, the variations within a building,
14 there are very little variations. And so in that
15 sense, one percent or one or one percent of each
16 measure, it becomes larger than one percent as opposed
17 to one percent of all measures.

18 So I think in that sense if you write it one
19 percent of all measures, and I would definitely keep
20 one percent or some percentage of everything in the
21 Provider's pot as a QC that's more random.

22 And I would think that on any given job you
23 have, I would imagine you take advantage of being able
24 to verify as many different measures on any given job
25 you go out to, although, yes, we would love to see

1 more jobs. So that would be interesting to know how
2 that's done, whether you only verify one measure per
3 job or if you do more.

4 MR. COMMINS: Thank you.

5 MR. BACHAND: Charlie with CalcERTS.

6 I'm sorry, I've got a follow-up question for
7 you guys, actually.

8 So we have a slide here on adjusting the QA
9 rate by measure, taking into consideration that a HERS
10 Rater may have greater or lesser difficulty passing
11 some of those measures. But I don't see on the agenda
12 a discussion of which measures are difficult to QA
13 from the Provider's perspective, or where QII again
14 becomes an issues, not because of the pass/fail rate
15 of the Rater but because of the inability of the
16 Provider to show up and watch the installation being
17 installed before the drywall is on. And there are a
18 few examples beyond QII where that's also a problem.

19 MR. COMMINS: So this issue we're going to be
20 discussing later on where we're going to talk about
21 the possibility of having a Provider come to us with
22 different means of doing a QA than what was required
23 by the regulations, so I think that's where you're
24 going.

25 MR. BACHAND: It is. So issues like, let's

1 say infrared photography might be a way for a QA Rater
2 to do a QA rating on QII framing stage.

3 MR. COMMINS: So we're going to have a slide
4 later on where we're going to be talking about
5 allowing the Provider to come in with alternative
6 means to do QAs.

7 MR. BACHAND: I appreciate that, but lacking
8 such a means now approved by the Energy Commission,
9 I'd like to consider what to do with the QII framing
10 quota because no Provider can reach it.

11 So if I had my way, I would say if there's no
12 approval of infrared photography or other tools, then
13 the quota needs to be readdressed because it's frankly
14 impossible for Providers to meet that particular quota
15 on that particular measure.

16 MR. COMMINS: Thank you. Anybody on the
17 phone have comments? Why don't we go on to the next
18 slide, then.

19 So earlier we were talking about being able
20 to target Raters and how well they can do, and so this
21 slide has to deal with that. We're wondering if
22 Raters with many years of experience and no QA
23 failures, whether they should be rewarded with a lower
24 QA rate.

25 So some of the questions that go along with

1 this, if we agree in general that this is a good idea.
2 How many years of experience should they have? How
3 many past QAs have they had? And what should this
4 rate be moved to if we agree that this should be done?

5 So I wanted to open that up to the floor and
6 get some comments.

7 MR. HEGARTY: Dave with Duct Testers.

8 I would disagree with that because the core
9 issue of the problem is the contractors doing the
10 right thing, so I would disagree with going to a lower
11 rate for Raters who have a consistent level of pass.
12 I would actually want to QA them more.

13 MR. COMMINS: Any more comments?

14 MS. MCGHIE: This is Paulette from Energy
15 Inspectors. I'd like to say that I agree that our
16 contractors and trades and installers are really the
17 biggest issue here. We can have very proficient
18 Raters who have been doing this for years and years
19 and years, but the trades and the installers need
20 extensive training to be able to get it right, and
21 that is really the root source. So I wouldn't want to
22 delete this at all or make it different, because it
23 really isn't the proficient Rater.

24 And yes, it would be nice to reward them for
25 their great work, but we're going back to the core

1 issue of the contractors, trades, and installers.

2 MR. COMMINS: So again, just to clarify. So
3 this is a job that a Rater went out to, that he
4 reviewed and said passed. So my thoughts are that we
5 already -- so it's the Rater that's saying it passed
6 and so we shouldn't have too much to do with the
7 installer. The installer come into place on all the
8 sample ones that the Rater did not look at. So I just
9 wanted to make sure that was clear.

10 MR. NESBITT: George Nesbitt.

11 I think if you have a Rater that does enough
12 volume and constantly passes everything that a lower
13 QA makes sense, and that's probably in part how
14 Providers have been doing things to some level, so at
15 some point there's not more to be gained.

16 And this is where I get back to essentially
17 QA should be a hundred percent, whether that's the
18 Provider on the Rater or Rater on the contract, show
19 proficiency, and then you go to sampling, and if they
20 consistently pass all the sampling, you can reduce it.
21 What's to be gained at that point?

22 Focus more on where there are problems,
23 measures that are problems, or Raters, their problems,
24 or companies, their problems. Be able to focus where
25 there is actually a real problem.

1 MR. COMMINS: Thank you. Any comments
2 online? Don Charles?

3 MR. CHARLES: Don with USERA.

4 Yeah, I think one of the phrases to think
5 about here is if it's not broke, don't fix it. so I
6 think there could be a benefit to possibly lowering QA
7 slightly for high performing Raters. I agree that the
8 contractor is the core of the issue, but that's the
9 whole point of QA and we catch that in QA, so that's
10 the point of QA ultimately, and verifying that the
11 Rater is doing their job correctly to catch the
12 contractor.

13 If we've got a consistently performing Rater
14 that is doing very well in that area, then I think it
15 might be helpful since QA could be problematic anyway
16 as far as time and funding homes, to reduce the QA on
17 the guys that are having excellent track records and
18 move, reallocate some of that time to other possible
19 troubled areas.

20 So I'm fine keeping it how it is, but I also
21 think there could be just a time benefit to -- again,
22 if it's not broke, don't fix it. Take what might be
23 broken. The new Raters spending time with new Raters
24 in the field or lower volume Raters and making sure
25 that they're doing their job correctly, I could see

1 having the opportunity to reallocate some of that time
2 that's not now having to be spent on a Rater that you
3 know is consistently performing.

4 MR. HEGARTY: Dave Hegarty.

5 What about the Rater who has one or two or
6 three or four customers and that's it and he's doing a
7 high volume and he consistently says it's passing.
8 There's a problem.

9 MR. BACHAND: Charlie Bachand.

10 Let me address that. We do have Raters who
11 literally qualify for QA once a month on the same
12 measure, duct leakage. So after the sixth or seventh
13 month of QA'ing them and finding them to be passing,
14 the question is, is our time best spent focusing on
15 that Rater's duct leakage tests for the remainder of
16 the year, or are they better spent on new Raters who
17 have had less experience or Raters who have had
18 failures?

19 I do argue that in some cases, especially
20 this example, which is literal, QA'ing somebody once a
21 month on the same measure that they've passed for six
22 or seven previous QAs is inefficient.

23 MR. COMMINS: Thank you. Do we have anybody
24 else online?

25 MR. CHARLES: Don Charles.

1 I would just say, Dave, I really appreciate
2 your comments. And please correct me if I'm wrong,
3 and I know you will. I think if you've got a Rater
4 within your organization, Dave, who's consistently a
5 high performer, it seems to me like you might us
6 focusing on newer guys within your organization that
7 are not as field tested or validated, and I think
8 that's what Charlie was saying. Was that Charlie that
9 just spoke last? I believe it was.

10 MR. COMMINS: Yes, it was.

11 MR. CHARLES: That it makes more sense to
12 focus on where there could definitely be problems
13 versus going out and QA'ing the same guy who has been
14 consistently a high performer and shown to be
15 proficient at his job.

16 So I think that's all Charlie is saying. I
17 don't want to speak for Charlie, but I think that's
18 what he's saying. That's what I'm saying. And I
19 think in the core of that sentence, Dave, I think you
20 might agree with that, that you know who your greatest
21 Raters are in your organization that do really quality
22 work. We're going to figure that out in a few QAs as
23 well.

24 Why keep going after those guys just to meet
25 some quota when that time could be reallocated into

1 other areas that may be of a greater concern, even
2 within your own organization, and among Raters in
3 general. I think that's all we're trying to say. Not
4 do less QA but start to focus on where there could be
5 potential issues rather than keep going back to where
6 you know for the most part there is no issue.

7 MR. HEGARTY: Dave Hegarty.

8 You want me to tell him he's wrong now?
9 Thank you, Don. I'm just thinking of the low volume
10 and starting Raters, is that really fair to them to
11 have more QA? If you're talking about more help,
12 great. But if you were talking about a stiffer QA for
13 them and a lax QA for the established guys, there's
14 something wrong there. I believe in equality, if you
15 don't mind.

16 MR. COMMINS: Thank you. So why don't we go
17 to the next slide.

18 So if the Provider sees unusual testing
19 patterns from a Rater, should the Provider be required
20 to do additional QA? And if you agree with this, what
21 would be considered unusual? So I'd like to open that
22 up to the floor and get some comments on this.

23 MR. VANTAGGIO: Alex with CHEERS.

24 I think overall the statement itself, I guess
25 makes sense; however, we feel that it would be really

1 hard to define unusual at the CEC level because
2 there's many variables within each Rater's way of
3 doing work and business, you know, drive time, number
4 of jobs, geographical distribution, whatever it may
5 be.

6 I think this is something that should really
7 be left up to the Provider to figure out whether
8 there's some red flags that are popping up in their
9 system with their own Raters. I don't think the CEC
10 should get involved in this type of scenario.

11 MR. NESBITT: George Nesbitt.

12 I can do in a production setting 25 blower
13 doors or duct tests in a day. Is that unusual? I
14 mean, right? So without context you don't know what's
15 unusual.

16 Yes, I think if someone was doing 20
17 alteration duct tests in a day, that would look weird.
18 Although, in a multi-family setting that might not.

19 So to regulate it, no.

20 Now, whether this is something Providers can
21 look at from their registry and use as a flag, yeah,
22 potentially.

23 MR. COMMINS: Any more comments? Mark.

24 MR. WEISE: Mark at CalCERTS.

25 What Alex said about the CEC would have to

1 define what is unusual. If it's just the word
2 "unusual" it's too ambiguous. As soon as the CEC
3 defined what unusual is, we wouldn't see it, so it's
4 kind of self-defeating.

5 MR. COMMINS: Thank you. Any comments
6 online? Don Charles?

7 MR. CHARLES: Nope, I'm good.

8 MR. COMMINS: Okay, let's move onto the next
9 slide.

10 Would it be beneficial if we required Raters
11 to upload pictures that are GPS enabled to the
12 Provider's registry for every rating? So the Provider
13 would have pictures that they could look at before
14 going out to the site. It might be possible to do
15 your QII verification using pictures. The Provider's
16 registry could possible auto-verify GPS location to
17 ensure that Raters were actually out there.

18 My thought were, if we agree with this, that
19 every measure would describe the pictures that must be
20 taken and the amount of pictures that would need to be
21 taken. And so my question to the group here, do you
22 think this is a good idea? Would it be difficult for
23 the Rater to do? And would it take a lot of time? So
24 I'd like to get some comments.

25 MR. BACHAND: Charlie from CalcERTS.

1 We're very much in favor of something along
2 these lines where we can use uploaded time stamped GPS
3 pictures in the registry to help complete a QA,
4 especially on, let's say QII where we may not see the
5 details.

6 Another example might be high SEER or high
7 EER verification where you've got the nameplate of the
8 unit. That's essentially all you need to perform the
9 QA on that measure. So in some cases it might remove
10 the need for a field visit in order to complete the
11 QA. We're very much in favor of both of those.

12 The only thing that I'm unsure of is whether
13 or not all Raters would be required to upload it or if
14 they would be given the option to upload in return for
15 a reduced QA quota.

16 I'd prefer to see it required, particularly
17 for new Raters, low volume Raters, people that are a
18 little bit of technophobes, that requirement might be
19 a little bit strict.

20 On the other hand, they have to buy \$2,000
21 duct leakage units anyway.

22 MR. COMMINS: So your phone's got GPS in it.
23 If you've got a Smartphone, it's there. You can take
24 the pictures, they're all GPS encoded.

25 So my recommendation would be that it's

1 required for all ratings.

2 MR. HEGARTY: Dave Hegarty, Duct Testers.

3 I think most of us that have more than a
4 couple of Raters do it already, and we maintain that
5 in our database. So is it something you're going to
6 require to be uploaded to the registry or when they
7 ask for it? This is a very expensive upload and
8 storage, and we have like three terabytes of pictures
9 now.

10 MR. COMMINS: Wow.

11 MR. HEGARTY: Right now. So we take lots of
12 pictures. Now, do you want that to be going to the
13 Providers where they have to pay more storage fees and
14 up the rate to the homeowners, or do you want to leave
15 it to the Rater?

16 It's a great idea to do, but wouldn't the
17 Provider be better served and the state better served
18 if the Rater kept that stuff and when you do a QA say
19 here it is?

20 I'm just thinking out loud.

21 MR. COMMINS: No, that's a good question.
22 I'd like to have the Providers comment on that.

23 MR. HEGARTY: You do videos, don't you?

24 MR. VANTAGGIO: This is Alex from CHEERS.

25 One thing that we just want to bring up is

1 the fact that we believe that the majority of builders
2 would probably not be happy about having people
3 snapping all kinds of pictures in their jobsites. We
4 can say it's for the best interest, but at the end of
5 the day we've got to keep that in consideration as
6 well, because anything that we collect in the field
7 becomes subpoenaable down the line. So from a
8 liability perspective, I'm willing to say that the
9 builders would not be happy about this, and we got to
10 take them into consideration as well.

11 MR. NESBITT: George Nesbitt.

12 The Title 20 regulations, although they
13 require QA, they say nothing about what that QA is.
14 So I would say there's nothing that prohibits a
15 Provider from viewing pictures submitted by a Rater
16 and using that as a QA on a measure.

17 Now, what the Energy Commission says to the
18 Provider, I'm not privy to, but the regulations
19 certainly do not prohibit that by word, nor would I
20 suggest that we want to write Title 20 too specific in
21 that sense and rule out or specifically require
22 things, but it needs to be agreed upon what's
23 acceptable, and I would think for a lot of measures a
24 Rater submitting pictures.

25 Now, should we submit all our pictures and

1 upload them and all that? No, I don't think so.

2 I don't use the GPS on my phone. Don't have
3 it on my digital camera. I take a lot of pictures,
4 and I have signed contracts with builders that
5 basically have a nondisclosure. That does not mean
6 that in a legal action someone couldn't come after my
7 photos.

8 And as a Rater, probably the more photos we
9 take, the better for ourselves, so now I routinely
10 take pictures of my gauge and the recordings, whatnot.

11 So I think just sort of in the big picture
12 there's what Title 20 says, okay, and that's the
13 letter of the law. And I think for a lot of reasons
14 it needs to be clear enough, but also vague enough
15 that it allows many things to happen. The intent
16 needs to be clear.

17 Then you have the contract between CEC and a
18 Provider, which is another story, and what you say in
19 that.

20 But a lot of what we're talking about comes
21 down to what the CEC decides is acceptable for a
22 Provider to do, or a Rater to do, and most of that
23 conversation is not in the open, it's not transparent,
24 it's not necessarily documented. It may not be
25 consistent between Providers and Raters have

1 absolutely no say in it.

2 So I think I would just say a lot of what
3 we're talking about exists outside of the Title 20
4 regulation, but it should ultimately be transparent to
5 all the parties.

6 MR. COMMINS: Don's got a comment online.

7 MR. CHARLES: No, I'm okay.

8 MR. COMMINS: I think Charlie's got a
9 comment.

10 MR. BACHAND: Briefly. Charlie from
11 CalcERTS.

12 So our QA people do take a number of pictures
13 on every visit, so we can talk about that in more
14 detail in our written comments, but it doesn't seem to
15 add too much time to the rating process.

16 The uploading process can be made relatively
17 straightforward.

18 In terms of storage, I suspect that all
19 Providers have the same issue that we do of we need to
20 have plenty of storage anyway, we've got large
21 databases, so adding additional storage to
22 providerships is probably not as burdensome as adding
23 it to individual rating firms.

24 And then finally I wanted to touch on Alex's
25 comment, which I think is very fair. Builder

1 objections do need to be taken into consideration. We
2 have not had too many builders or homeowners object to
3 the picture taking process. I think once they
4 understand what the QA process is, if they've decided
5 to let us in, they're happy to see the pictures taken.

6 I would hope that builders and homeowners
7 would understand that same kind of reasoning as
8 applied to the actual rating. It's being done for
9 compliance. It's for the consumer's benefit,
10 etcetera.

11 So I think the builder objections do need to
12 be considered, but so far we have not seen too many
13 builders or homeowners object to photographs being
14 taken during QA.

15 MR. COMMINS: Any more comments?

16 MR. HEGARTY: Dave Hegarty, Duct Testers.

17 I think I recall signing an agreement with
18 one of my Providers that says I will collect pictures
19 and keep them, already. I think it's in your
20 training.

21 I think it behooves us all to leave that in
22 the hands of the Rater agency or the Rater himself
23 rather than making it a rule that then becomes public.

24 MR. NESBITT: George Nesbitt.

25 Randall Ridell once told me that they had a

1 Rater that did a duct test and he said he was one
2 place but supposedly he was another. Like he was on
3 the first floor when he said he was on the third
4 floor.

5 What's the accuracy of GPS for non-military
6 applications? It's not that accurate for a reason.
7 It's 30 feet, 50 feet. So it might tell you, yes,
8 they were on the property close, but don't take it as
9 the end all. Technology has its limits.

10 MR. COMMINS: I think on the property close
11 is probably close enough.

12 And actually we do have a comment online, Don
13 Charles.

14 MR. CHARLES: Yeah, I just wanted to say I
15 agree. I think the use of the technology could be
16 outstanding in this, but I know that at times we do
17 run into storage issues, and so my initial concern
18 would ultimately be -- especially in light of getting
19 ramped up for the 2013 Code and the expense there is
20 just, wow -- what would that do and what would the
21 associated dollars be for having to store those photos
22 and put them in their proper place?

23 Just from a programming. I'm not a
24 programmer, so right now I'm just speaking from a
25 little bit of the sense of angst out of the unknown of

1 what that could do from a cost perspective right now.

2 Not saying that I'm opposed to it because I
3 think at its core the idea has merit, but I don't know
4 what it would mean in terms of programming, storage,
5 and all those other factors that would come into play.

6 You know, if GPS is a concern, totally
7 shooting from the hip here, but maybe it would just
8 make sense for some sort of GPS app to be used that
9 shows -- I mean, I know they have that for heart rate
10 monitors for fitness. Maybe it just shows where the
11 Rater was and for how long they were there for versus
12 having pictures. You know, we could say he was at 125
13 Main Street for two and a half hours. Oh, okay.
14 Well, we know he was there. Either that, or he left
15 his phone there, but it could at least lend itself to
16 something.

17 But my angst would be not knowing what the
18 associated cost to maintain it and to build that right
19 out of the gate would be.

20 MR. COMMINS: Okay.

21 MR. NESBITT: George Nesbitt.

22 I'd also say is this the problem? I mean,
23 all of this would be fine if we have failures, we
24 really think someone's cheating and lying and whatnot,
25 so let's make every Rater do an extensive amount of

1 stuff that may not be necessary.

2 I would say from a Rater standpoint, as many
3 pictures as I can take can help cover my butt, but is
4 this a problem? I mean, do we have bigger problems
5 than this? Does this actually solve a problem? I'd
6 say getting contractors to pull permits and actually
7 meet code is a far bigger problem, and does this
8 actually help us achieve that? I'd say contractors
9 are a bigger problem than Raters, not that Raters are
10 perfect.

11 MR. COMMINS: So I think the reason why we
12 brought this up is because different measures, we
13 could require different amounts of pictures. Maybe
14 some measures we don't require any.

15 Like especially for QII, there's discussion
16 how difficult it can be to get out there. So it would
17 be extremely important to require a good amount of
18 pictures, maybe for QII, and maybe that's how QA is
19 done on QII, or part of it. And maybe for EER/SEER
20 verification, you know, you just take a picture.

21 So it's a discussion that I wanted to bring
22 up and wanted to ask, so thank you.

23 MR. HEGARTY: Dave Hegarty again.

24 Remember the mood of the public right now.
25 The more intrusion is not a good thing, right? I

1 mean, we need to keep the contractors on our side so
2 we can convince them of doing the right thing. We
3 need to have them look up to the CEC, not look that
4 they're making matters worse for them instead of
5 better. Those kinds of things. And the Raters are
6 their partners, not their enemy. Would that be
7 something we could try to think about here?

8 MR. COMMINS: Yes. Okay. Let's go on to the
9 next slide.

10 MR. BERIAULT: Can I comment on that?

11 MR. COMMINS: Yes, yes.

12 MR. BERIAULT: Eric with Energuy.

13 I really like the idea of using technology to
14 make everyone's life easier. Sounds like all the
15 rating firms, they take all the pictures and we use it
16 for internal training and when we have QAs and things
17 like that to compare.

18 But I don't like the word "require." I feel
19 like if a Provider wants to bring a solution using
20 technology for themselves, they should be able to do
21 that.

22 And in turn, if the Rater wants to
23 participate in that solution, then they should be
24 rewarded for that. So potentially that's where we
25 talk about lower QA rates if you're using that

1 technology.

2 The homeowner benefits. They're getting the
3 QA still happening but you don't have to go into their
4 home to do it.

5 The Rater benefits potentially. Less QA
6 onsite, less cost.

7 And it also benefits the Provider because
8 they have less cost because they can do it remotely.
9 So that's what I'm in favor for.

10 MR. COMMINS: Okay. Thank you.

11 So this next slide, actually Don Charles kind
12 of touched, and that is where if you had technologies
13 available that would ensure that Raters are conducting
14 the ratings properly, should we allow a lower QA rate
15 when those technologies are being used?

16 And one example would be an app would be
17 developed that would, for example, the Rater when
18 they're onsite, they would fill out the app with all
19 of the requirements that are on the form. It would
20 GPS track everything. It would track how long they're
21 there, and then throughout the process the app would
22 require pictures taken.

23 So I just wanted to get your thoughts on if
24 there's some technology or some application or
25 something like this that could be developed or used to

1 ensure higher probability of Raters doing things
2 properly, would this be beneficial. I wanted to open
3 that to the floor.

4 MR. VANTAGGIO: Alex from CHEERS.

5 As far as software app, I guess they do exist
6 and they're called registries. The Raters already use
7 them to record this information.

8 I mean, if anything, I think it would be
9 great if the registries, they're accessible online, so
10 the reality is the fact that anybody with an internet
11 web-based phone can access the registry online and
12 enter information as it is.

13 I don't think the CEC needs to go into
14 software development more than they are already. I
15 think that's not really something that the CEC should
16 get more involved in than they are, and that's where
17 we stand.

18 MR. BACHAND: Charlie from CalcERTS.

19 I think there's some other possibilities with
20 technologies that don't just extend to Energy
21 Commission software. Energy Commission already does
22 approve some software for -- and I'm not just talking
23 about CBECC, I'm talking about things like multi-point
24 blower door testing.

25 So while I agree the Energy Commission may

1 not necessarily need to be involved in developing any
2 more software, they can approve it.

3 And there is some talk about using technology
4 that lets you, let's say, remotely login to a Rater's
5 handheld monometer or whatever. We feel that those
6 types of technologies could be used for QA in such a
7 way that the quota for field visits could be reduced
8 because you're already getting the exact same
9 information through the remote connection to that
10 technology. We think that is a useful way to explore
11 lowering the QA rate, and one that doesn't require the
12 Energy Commission to develop something so much as they
13 would need to have an approval process for a new thing
14 that was brought to them. So we're in favor.

15 MR. HEGARTY: Dave Hegarty, Duct Testers.

16 Are we talking about a thirty party quality
17 control group? Because if you can prove more QA or
18 you can prove more accuracy, you have a lighter load
19 on the QA in third party quality control group. So
20 I'm not in agreement with changing just because if
21 they're going to do that, then they could be in third
22 party. If they have kind of technology, they can
23 become a third party control group.

24 MR. COMMINS: And actually the next slide
25 directly discusses the ATTCP program. Right now we're

1 just talking about something that a Rater specifically
2 would be using.

3 MR. HEGARTY: And I'm just saying, what we're
4 talking about relates back to the fact that there is
5 something in the code already for that, and that's
6 what I'm trying to say.

7 MR. BACHAND: Charlie from CalcERTS.

8 Regrettably, I disagree a little bit, Dave.
9 I think that TPQC programs are their own topic and
10 their own subject matter, and we're about to address
11 them. But even if such a program didn't exist, the
12 benefit of these types of technologies that we're
13 discussing would still exist, so I think they should
14 be considered separately, and perhaps also be allowed
15 to be included in a TPQC program. That's beside the
16 point for just a general discussion of the QA quota
17 being affected by using this technology to reduce that
18 quota.

19 MR. NESBITT: George Nesbitt.

20 I've had several Raters who have been in the
21 third party control program, credible Raters, tell me
22 that they failed contractors repeatedly and nothing
23 ever happened. So having no data and having no
24 evidence, I don't see any reason why.

25 We've already gone from one in seven

1 sampling, or hundred percent testing, or one in seven
2 sampling, to one in thirty. So now we actually have
3 less jobs to verify of the Rater. Why would we cut
4 back? I don't see any compelling reason at the
5 moment.

6 And I'll go back to what I said earlier.
7 There's what's written in Title 20 and then there is
8 what happens and what the Energy Commission allows.
9 So just because it says one percent, whether they
10 achieve it or not, what the consequences are is a
11 whole other story.

12 MR. COMMINS: Thank you. Any more comments?
13 Don Charles?

14 MR. CHARLES: I don't think this has anything
15 to do with the third party quality control program per
16 se. I think what Dave is trying to say and I will say
17 is that, for example, the analysis technology that was
18 developed, if a Rater used that for their own purposes
19 aside from the third party quality control program, it
20 doesn't have anything to do with that, that that data
21 could be used to validate the effectiveness of their
22 job. There's no disputing it.

23 If they use that technology the right way,
24 there's no disputing the accuracy of that job and
25 whether it was completed correctly or not.

1 So I think that's all that Dave is trying to
2 say. Again, I'll let Dave validate my comments or
3 not. But if a technology like that is employed, I
4 don't think it has anything to do with the third party
5 qual; I agree that's a separate subject.

6 However, if a Rater in the process of just
7 doing their one in ones, one in sevens, whatever, also
8 uploaded that type of data, there would really be
9 virtually no reason to go out and do additional QA on
10 a Rater that used that kind of technology.

11 MR. COMMINS: Thank you. Any more comments
12 on this?

13 MS. MCGHI: This is Paulette from Energy
14 Inspectors.

15 As with new technology or new programs and
16 new apps, how much additional time is that going to
17 require the Rater to input, upload all of his work
18 every single day? That does put some cost burdens
19 upon the rating firm. And if you're a large rating
20 firm like we are, that's a considerable cost in time
21 and in purchasing new technology. I would like to
22 know more about that and what the costs would be
23 associated with that.

24 In your slide it says Providers require
25 Raters to use approved technologies, so is that going

1 to be a requirement, mandate, or is this only going to
2 be if you want to utilize this, you can and reduce
3 your quota?

4 MR. COMMINS: Actually, that's a good comment
5 and, I think allows actually probably the correct
6 wording there, but it would be up to the Provider, I
7 think, whether they wanted to allow or require all
8 Raters to use it if they had some type of app or not.

9 So again, it's just a discussion to get
10 comments from the group on this subject.

11 MR. CHARLES: Don from USERA.

12 I understand the nature of the comments
13 there. I'll just speak to the analysis technology,
14 that it actually improves in many cases the speed on
15 the job because instead of taking individual
16 measurements and having to calculate those formulas,
17 the system can pull up a lot of that data
18 simultaneously.

19 But that being said, yeah, I would love to
20 see a situation, again, short of our third party
21 quality control program where if a Rater had that
22 technology, we could incorporate that into our QA
23 requirements and that the other Providers could even
24 utilize that as well.

25 MR. COMMINS: Thank you.

1 MR. NESBITT: George Nesbitt.

2 I think technology certainly can replace some
3 onsite QA but it shouldn't eliminate. You can
4 automatically collect data, but is the equipment
5 hooked up properly to the right place? Are you
6 stepping on the hose? You know, did you choke off the
7 whole return side of the duct system? Whatnot.

8 So yes, technology may correctly collect
9 data, hopefully, and transmit it, and yeah, it can
10 calculate things and whatnot, but I don't think it's
11 an absolute substitute for real world verification in
12 some cases.

13 MR. COMMINS: Okay, thank you. We'll move on
14 to the next slide.

15 So as we discussed a minute ago, this slide
16 has to do with the third party quality control
17 program, where if it can be shown that a Rater and
18 installer have used technologies that would ensure
19 they were conducting their tests properly, should the
20 QA rate be lowered?

21 So I just wanted to get comments from the
22 group on what are the pros and cons on this and what
23 might this rate be, what might we lower this rate to?
24 Any comments?

25 MR. HEGARTY: How are you going to lower it

1 any lower than one in one hundred? I mean, really.

2 MR. CHARLES: Don with USERA.

3 I think it may be lowered in the same
4 percentage that you increase the sample group. So for
5 example, non use of technology in a sample group is
6 one in seven, whereas with the use of the technology
7 it's a one in thirty, so maybe it could be altered at
8 the same rate.

9 MR. COMMINS: Any more comments? Anybody
10 online?

11 MR. CHARLES: I would also like to add I
12 understand George's comment, yeah, there's always
13 things that can happen. Somebody could put a
14 chokehold on the return or whatever. You know, most
15 people aren't going to buy that equipment if they're
16 looking to mess with the results. Most people that
17 are going to buy that equipment are interested in
18 accuracy and in doing their job correctly.

19 In the real world, Tommy could run and knock
20 off an air conditioning vent or duct after a Rater has
21 come out and done a testing, I mean, and that would
22 result in a QA fail. So there's always this type of
23 thing that could happen or resulting in that, but our
24 experience has been that the use of that technology is
25 highly, highly effective, and much more effective than

1 performing the same test manually and then requiring
2 on the Rater's skill to interpret, or a contractor's
3 skill to interpret results.

4 That's one of the major issues out there is
5 that they ultimately don't know how to render the
6 information properly and to get the result that
7 they're looking for, and the technology really helps.
8 The technology takes a good technician and makes them
9 a great technician. It takes a weak technician and
10 makes them a good technician. It really does. It's a
11 game changer.

12 MR. COMMINS: Thank you. Do we have any more
13 comments?

14 MR. HEGARTY: I guess I do have a comment on
15 that.

16 MR. COMMINS: Okay.

17 MR. HEGARTY: So I guess what you're saying
18 is, because of the technology you should increase the
19 QA to those that don't use it; is that what you're
20 saying?

21 MR. CHARLES: No, I'm saying that the QA for
22 those that do use it would actually be increased by
23 default because every job that came across with the
24 technology would actually be a heightened awareness of
25 what they're doing.

1 I'm saying keep it the same for everyone
2 else, but for Raters that might employ a technology
3 like that, they're basically opening up, they're fully
4 exposing everything that they're doing on every job
5 they're doing it on, so I think that lends itself.

6 Again, I'm not even suggesting that you
7 necessarily drop the QA requirement totally on those
8 guys; I'm saying maybe adjust it by the same
9 percentage that you adjusted the sample groups.

10 So one in seven to one in thirty, maybe we
11 adjust the QA in the same level of percentage that the
12 one and thirty was moved up from the one in seven.

13 MR. COMMINS: Thank you. So we're now
14 starting our second topic, which is the Provider QA
15 uniformity, or making sure that all Providers are
16 doing QA the same way. So the option would be that we
17 could break for lunch now or we could do a few more
18 slides. Any recommendation from the participants.

19 MR. VANTAGGIO: This is Alex from CHEERS. I
20 say we go to lunch.

21 MR. CHARLES: How long are the rest of the
22 slides going to be? How much longer do you think we
23 have in the meeting to finish?

24 MR. COMMINS: You know, it really depends on
25 how many comments people are going to have. I would

1 expect probably another two hours.

2 MR. CHARLES: Oooh. Okay. Well, I guess if
3 people want lunch.

4 MS. HARO: Just really quickly before we do
5 break for lunch, I just wanted to make sure that an
6 announcement has gone out that the residential
7 compliance manual are now available for public
8 comment, so it's the compliance manuals and compliance
9 documentation. So we would encourage everyone to have
10 a look and to provide comments. The comments are due
11 July 31st.

12 MR. COMMINS: Okay. So it looks like we'll be
13 taking lunch and be back at ten to. We'll see you.

14 (Lunch Recess at 11:52 a.m.)

15 --o0o--

16

1 something that has major impact on the test itself,
2 that changes whether the testing procedure was done
3 correctly or whether the test passed or not.

4 A discrepancy is, again, just a minor
5 problem. An example would be if a duct test was done
6 and the duct test, the allowed leakage was met so it
7 leaked less than what was allowed, but maybe they
8 didn't seal one of the boots to the drywall.

9 So my thoughts in going forward is that we
10 would be putting together a checklist on every single
11 measure. And so the reason we will have a list of
12 failures and discrepancies is because when it comes
13 time to discipline Raters we want to distinguish
14 between major problems that invalidate the test versus
15 minor problems that have little effect on the outcome
16 of the test.

17 So the checklist must include the required
18 investigations, that if there's a failure, to
19 determine why that failure occurred. So these
20 checklists are going to be pretty in-depth and explain
21 exactly what the Provider must do while they're out
22 there so that all Providers are conducting QA the same
23 way.

24 So I wanted to get your input on whether you
25 think this field QA checklist was a good idea. And if

1 you think so, do you agree with the basic layout and
2 are there any additional things that we should put on
3 there? I wanted to open that up to the field and get
4 your comments.

5 MR. BACHAND: Charlie from CalcERTS.

6 So we're very much in favor of everything
7 that you've just said. That would be extraordinarily
8 helpful in helping us decide what and how to QA and
9 making sure that Raters feel like they're getting fair
10 treatment across the Board from whatever Provider.

11 We would be very interested in working in an
12 open working group or submitting comments or ideas,
13 working with other stakeholders. It's probably not
14 going to be an easy task to make all those forms, but
15 I think it would be well worth it for everyone
16 involved. Thank you.

17 MR. COMMINS: Any other comments?

18 MR. NESBITT: George Nesbitt.

19 I think such forms should include Raters in
20 the development and they should all be available to
21 Raters.

22 And I imagine that these do not exist in
23 Title 20. They probably should all exist at the
24 Provider level and be made available to Raters.

25 And yes, it should be uniform across

1 Providers, consistency is absolutely important. It's
2 better to be wrong and consistent than inconsistent.

3 MR. COMMINS: Do we have anybody on the
4 phone?

5 MR. CHARLES: Don from USERA.

6 I also think that maybe some of this should
7 also be cross incorporated into training curriculum so
8 that when we train new Raters they know, because it
9 just seems there's observed a lot of similarity in the
10 QA process to the rating process itself, obviously, so
11 we should be training to the same process and make
12 sure that that is all being identified. I don't want
13 to see a QA process that's more intensive than what
14 the Raters should be doing in the field anyway, so I
15 think we should make sure that there's some crossover
16 into training as well.

17 MR. COMMINS: I agree, and I think it's very
18 important that Raters also see this checklist. That
19 way they know exactly in one very succinct and in one
20 place exactly what they have to do and what they're
21 going to be held to. So I think it'll help the whole
22 industry come up to a much higher bar.

23 Looks like Dave's got a comment.

24 MR. HEGARTY: Dave Hegarty, Duct Testers.

25 Just a note on this consistency. We have to

1 be consistent all the way throughout Providers. And I
2 agree with Charlie and I agree with what Don said, but
3 consistency has to be all the way throughout, such as
4 with the conflict of interest rules, right? So you
5 can't make a choice that one thing is legal and one
6 thing is not, right?

7 So it obviously goes to the part of my issue
8 with the permitting and the (inaudible) issue with
9 permitting. If in fact the rules do say that a Rater
10 getting permit is not correct because it has a
11 financial interest, you can't allow them to do that
12 and then expect that they follow the rest of the rules
13 too. That's the consistency I'm talking about. Thank
14 you.

15 MR. COMMINS: Thank you.

16 Javier, online? So why don't we move on.

17 So still on this slide, staff believes that
18 a form QA checklist must be developed as well. This
19 would require the Provider to conduct form reviews
20 using the Provider's registry. A checklist would be
21 developed for these similar to the field QA checklist.

22 This in-house form review checklist must walk
23 the Provider through the QA process step by step on
24 what to verify on the forms. For these in-house form
25 reviews there must be a description of what is a

1 failure and what is a discrepancy, just like the field
2 checklist.

3 We would also require the Provider, if we
4 agree that it's required, we would require the
5 Provider to review pictures, again, if they're
6 required to be uploaded to the Provider's website as
7 part of this form review.

8 So I just wanted to, again, have the same
9 questions. I mean, do you think this is a good idea?
10 Do you agree with the basic layout? And anything
11 additional that should be added to this form QA
12 checklist?

13 So this is a new requirement that we would be
14 adding. Just from my experience looking online, the
15 quality of the information that is in the forms is
16 lacking, and so we would be putting together a
17 checklist saying this is exactly what needs to be
18 there, and if it's not there, then you've got a
19 problem and we need to decide how to go from there.

20 So if I could have any comments on that.

21 MR. BACHAND: Charlie from CalCERTS.

22 I think this all looks great. There's minor
23 points that can be discussed in the working groups
24 going forward.

25 For example, there should probably be a

1 boilerplate set of questions that the homeowner is
2 asked every time you go in regardless of which measure
3 you're QA'ing. So there are minor points to add, but
4 in principle, this seems like a very workable and
5 helpful idea.

6 MR. MCKINNEY: This is Max with EACS. Could
7 you clarify that. Is that a review of just the form
8 or the forms relevant to the field test?

9 MR. COMMINS: That would be a separate
10 review, a separate percentage of forms that would be
11 verified. But it would also be required on a general
12 QA when you go out to the field you'd look at the
13 forms as well and use the checklist to ensure that the
14 form is filled out properly.

15 MR. CHARLES: So again, are you talking about
16 a QA form or are you talking about a registered form
17 as part of a registered job? I guess I'm lacking
18 understanding on that.

19 MR. COMMINS: So my recommendation is that
20 you've got your registry, and in your registry you've
21 got millions of forms that are filled out and you'd be
22 required to go look at a percentage of the Rater's
23 forms to ensure that they are filled out properly. So
24 this would give guidance and direction on the form
25 itself and what needs to be there, because right now

1 there's nothing about what information, whether it's
2 filled out completely or there's stuff that's missing
3 and different things like that, so then the form
4 review would require to review the form and make sure
5 that everything that's required is actually there and
6 filled out properly.

7 MR. CHARLES: Don with USERA.

8 I might be missing something here. Again,
9 I'm not a programmer, but my understanding is in order
10 to even get a registered form, we have to submit a
11 package to the CEC itself for approval, and if there's
12 things wrong with the form it comes back as
13 unapproved. Isn't that a self-check process already
14 built into the system? If the proper information
15 isn't there then it can't even be registered and
16 approved, so I don't understand the need for that
17 additional review.

18 MR. COMMINS: What about incorrect addresses,
19 phone numbers missing, incorrect contractor
20 information?

21 MR. CHARLES: But again, why are we approving
22 forms for registration if that information is not
23 consistent now? I would think that would have to be
24 noted as an error. If a form is submitted and the
25 address changes form to form or the contractor

1 changes, that should come back as a failure in my
2 estimation.

3 So it just seems to me that we already have a
4 process built in to catch those things. If it's not
5 catching them, then maybe we need to figure out how to
6 have it catch those things. That's why I thought one
7 of the reasons why were pinging the CEC server for
8 registration is to see if things were filled out and
9 all the required information was present on the form.

10 MR. COMMINS: I'm not familiar enough with
11 all of the intricacies of the database.

12 MR. MCKINNEY: Max with EACS again.

13 Don's right. When we submit to the CEC
14 everything is coded and supposed to be validated and
15 within given specifications and ranges. Maybe I'm
16 misinterpreting, but I'm thinking you're looking more
17 in terms of Provider contacting that homeowner, make
18 sure that their name, phone number, address is
19 correct, the permit number is correct.

20 MR. COMMINS: Partially, yes.

21 MR. MCKINNEY: But now you'll be looking at
22 basically recalling on every single job. Isn't that
23 more of a building department's responsibility to
24 verify address?

25 MR. COMMINS: Well, it wouldn't be every job.

1 Again, it would just be a sample. It's just a
2 question.

3 MR. CHARLES: Don from USERA.

4 Yeah, I understand the nature of the
5 question, but I think that we've already got a very
6 good QA process built in for that, which is the CEC
7 validating the registration, the form by all the
8 information provided. I think anything above and
9 beyond that would be a little bit unnecessary.

10 You know, the fact that we're having to go
11 through so much with the digital signature process and
12 putting the correct information in to get a registered
13 form back, having the CEC validate. I just think it's
14 kind of an unnecessary step, so my suggestion would be
15 to talk to the data folks and see if it warrants
16 anything further.

17 But it's already a very rigorous process now
18 and it was quite expensive to build, so to do anything
19 above and beyond that I think would be a little bit
20 unnecessary. I don't know what you would gain from
21 it.

22 MR. COMMINS: More comments? Okay, let's go
23 to the next slide.

24 Some measures are very difficult, if not
25 impossible, to QA as listed in the regulations and

1 completed by the rater and installer. Should we allow
2 the Provider to conduct QA using alternative ways if
3 they are approved by the Energy Commission?

4 For example, for QII, which we've had
5 discussion about, can be very difficult, if not
6 impossible, to QA. Should we allow them to possibly
7 look at pictures that the Rater uploaded and allow
8 them to do a blower door in thermal camera? Again,
9 that's just an example of what could possibly occur,
10 but I just wanted to get the group's comments on
11 whether we should allow different technologies to be
12 used to certify that things were done properly.

13 MR. BACHAND: Charlie from CalCERTS.

14 In general, yes, we definitely need to have
15 an approval process in place that isn't subject to the
16 same schedule of rulemaking as Title 20, so that in
17 between code cycles, for example, we could approve new
18 technologies. I think that's going to be more and
19 more important the closer we get to 2020, so we're
20 very much in favor of it.

21 My only caveat on any of this is, and I've
22 said this before, if we know that a measure is
23 difficult to QA, like QII or the E+A+A measure, and if
24 there hasn't been an innovated method to conduct QA
25 submitted to the Energy Commission, then I would ask

1 that the quota be reconsidered on those particular
2 measures.

3 In other words, please don't leave us
4 hanging. If QII framing is impossible to achieve the
5 quota on now, then it will be later until somebody
6 comes along with an innovative method. Until that
7 time, all of the Providers are essentially unable to
8 meet their quota.

9 So I think that there should be some way of
10 saying if there's a method, then the quota is at the
11 appropriate amount, one percent per measure.

12 If there isn't such a method on these
13 difficult to QA measures, either the protocol should
14 be changed so that it's only a partial on QII framing,
15 the things that you actually can see, or the quota
16 should be reduced or removed.

17 So I just want to make sure that all the
18 bases are covered so that three years from now
19 somebody can't say, well, USERA or CHEERS or CalCERTS
20 or whomever didn't finish their QII, and our response
21 is, well, we don't know how to do it, it's impossible
22 to do, neither the Providers nor the Energy Commission
23 wants to be in a position where somebody can point
24 that finger.

25 MR. VANTAGGIO: Alex from CHEERS.

1 We're definitely in favor of alternate QA
2 methods, especially for QII when we're talking about
3 thermography and stuff like that, it definitely makes
4 sense. I think the technology is there to do it.

5 I do think that if the CEC were to move
6 forward with those type of changes, I think they need
7 to clearly define expectations of equipment
8 specifications and training when it comes to
9 thermography, because anybody can pick up a thermal
10 camera but that doesn't mean everybody can actually
11 read what it means, so that's what we think should be
12 taken into consideration.

13 And then on top of that, the one thing I
14 wanted to bring up is the fact that if we're going to
15 be QA'ing Raters who are inspecting installation
16 visually with thermal cameras or alternate methods, I
17 think that we need to think about an apples to apples
18 comparison. Because a thermal camera might be able to
19 pick up things that the naked eye cannot, so if we're
20 allowed to do certain things as QA, we need to think
21 about, well, should the Raters also be allowed to use
22 those methods under the inspection side because at the
23 end of the day it might not be fair across the board,
24 so those are considerations that we need to think
25 about.

1 MR. NESBITT: George Nesbitt.

2 As I said previously, in Title 20, even
3 though you require QA, there's no definition of
4 whether that's actual field verification or anything
5 other than it has to be completed after the job is
6 done, essentially. So it's always come down to what
7 the Providers have done and what the Commission has
8 allowed.

9 And I think considering the previous issue on
10 having QA forms for various measures where it's clear
11 what's QA'd, what's done, what's accepted range of
12 tolerance, that this sort of falls under that what's
13 the acceptable method of checking something. I'd say
14 the regs have no prohibition to using photos to verify
15 an air conditioner model or make. It's what have you
16 allowed or what have the Providers done. Although I
17 think ultimately the Raters have to really be part of
18 the process of what is acceptable. And yes, some of
19 that may then need to feed back into Title 24 where
20 all the HERS testing procedures are essentially
21 outlined.

22 MR. HEGARTY: Dave Hegarty, Duct Testers.

23 I agree with Alex and the fact that if you're
24 going to have one method for the Provider you have to
25 also allow the Rater to use that method, and there are

1 a lot of us that have thermal imaging, who have spent
2 thousands and thousands of dollars on thermal imaging
3 cameras and training which we're not allowed to use
4 today, so why should the Provider be allowed to use it
5 unless we have the same capacity?

6 Thermal imaging, building thermographers
7 level 2, how are they going to, unless they put the
8 same amount of time and effort into that, how is that
9 going to work for us?

10 And then after talking to Bill Pennington
11 several times, and I don't know if this is specific to
12 what you're trying to say, but how does a blower door
13 equate to quality installation construction? I tried
14 to get that passed and you guys didn't want that, so
15 how is that?

16 This is what I'm talking about the
17 consistency of it. It has to be consistency for the
18 Rater, for the Provider, and for the state.

19 MR. COMMINS: Thank you.

20 MS. MCGHI: Paulette from Energy Inspectors.

21 I want to state that I agree with Alex and
22 Dave, that we really do need to be consistent in how
23 things are tested.

24 I do have a concern about thermal cameras.
25 The majority of the builders that I work with would

1 never allow a thermal camera on their jobsite, so
2 there is the builder to consider in what type of
3 testing that you're going to be requiring or
4 participating in. Thank you.

5 MR. COMMINS: So I would to collaborate with
6 the industry and get some help in developing these
7 checklists, so I'm actually asking right now if I can
8 get some volunteers.

9 So I heard Charlie, he volunteered.

10 I'd like to get some volunteers right now for
11 people to assist me in developing these checklists.

12 And also, I wanted to ask, since we want this
13 to be a collaborative effort, what do you think would
14 be the best way to get additional volunteers, people
15 that aren't of the fifteen, twenty people that are on
16 the phone call or in this room, to open it up and let
17 additional people get involved in this process.

18 So the first question is, are there any other
19 people here that want to volunteer?

20 MR. CHARLES: Don from USERA.

21 I can't make that full commitment right now,
22 but I think we would like to participate in that and I
23 think we may be able to assign a team member that
24 would be best suited for that, but let me confirm that
25 and get back to you on that.

1 MR. VANTAGGIO: Hey Tav, this is Alex from
2 CHEERS.

3 I'd be more than happy to help out with that,
4 as long as I can get some kind of general timeline or
5 what you're thinking about, but you can count me in.

6 MS. MCGHI: Paulette McGhi from Energy
7 Inspectors. We would like to participate.

8 MR. NESBITT: George Nesbitt.

9 I think the Energy Commission has lots of
10 lists of HERS and the Providers have lists of HERS
11 Raters and they can put a notice out and let people
12 know what's going on. I don't think I saw a single
13 notice other than from the Energy Commission about
14 today's meeting, and this is sort of a consistent
15 persistent problem I point out all too frequently.

16 Here we are talking about the HERS regulation
17 that regulators the HERS Rater and unless they are
18 specifically on the Energy Commission's right list,
19 they have no idea what we are doing today.

20 MR. COMMINS: So what are some different ways
21 that we can get others involved in this process so
22 that we can make sure that we have a quality product
23 that people have been able to review?

24 MR. WEISE: Mark at CalcERTS.

25 I know a lot of Raters have developed their

1 own checklists and we could easily send a notice out
2 to the Raters if anybody wants to submit it, and I
3 think a combination of things like that in addition to
4 our own checklists we already have would be useful.

5 MR. COMMINS: So it was suggested by my
6 coworker that maybe we could have some webinars on
7 this subject, publicly noticed, and just maybe break
8 down the forms and have several different webinars and
9 break down the forms by mechanical and envelope and,
10 you know, different areas so that we can get lots of
11 individuals involved and comments. So that was one
12 comment.

13 Any other comments? Anything online?

14 Well, let's go on to the next slide.

15 So we're actually on the third topic now.
16 This is the Provider disciplinary process.

17 Just to remind you, the second topic that we
18 talked about was QA uniformity, or listing how the
19 Providers are to find if there are any problems with
20 the QA process. This third topic has to do with the
21 process itself, so once a problem is found, what are
22 the next steps, what's the disciplinary process?

23 Stakeholders would like the regulations to
24 specify the disciplinary process so that there is
25 uniformity between Providers. As discussed earlier,

1 the QA field and form checklists will describe what is
2 to be considered a failure and what is to be
3 considered a discrepancy.

4 For failures, I put together some
5 recommendations on what should happen when a failure
6 occurs, so my staff's recommendation is that the
7 current process stay in place, and that is when a
8 failure occurs, the Provider must look at two
9 additional ratings over the last twelve months. And
10 if a second failure is found, then QA must be moved to
11 two percent for the next twelve months.

12 Just a reminder. Remember the failures are
13 major problems that occurred in the testing procedure.
14 You know, in my mind these are deliberate acts that
15 cause the test not to come out correctly. So I just
16 wanted to get the group's input on when the failures
17 occur, what would be the best way to proceed? Do you
18 agree with this process or if we should have some
19 other or additional requirements for failures?

20 MR. WEISE: Mark Weise at CalCERTS.

21 The first step is identifying what's a
22 failure, that's the biggest thing.

23 The current process of the plus two and the
24 two percent, that works with the exception of on the
25 plus two going back over the past six months. That's

1 punitive more than corrective. If something's caught
2 and there's a misunderstanding, whatever the issues
3 are, by checking what they're doing going forward and
4 we're seeing if the issue has been corrected, and I
5 think that's more important.

6 MR. COMMINS: So again, my thoughts, so if
7 they put down that they had a three ton air
8 conditioner and that's what they figured out their air
9 leakage on, but on the forms they used the five ton
10 but in reality they installed a three ton, to me
11 that's outright blatant lie and they need to be
12 possibly decertified. I mean, that's not training,
13 that's something that was done wrong.

14 MR. BACHAND: Sure, that's correct, but how
15 does it benefit us now to go back and see if they did
16 it once or twice before previously? If you already
17 think that it's such a gigantic problem that we need
18 to be thinking about decertification, then it doesn't
19 help us to go back and find out if they did that again
20 six months ago.

21 What really helps is making sure the first
22 time we catch them at it, we want to make sure that
23 they don't ever do it again, so that's why the plus
24 two going forward, that's what it's meant to do is,
25 hey, you're on notice and we're going to be out there

1 to QA you again soon. Don't do it again.

2 MR. CHARLES: This is Don with USERA.

3 Again, not to go backwards here, but
4 shouldn't the form registration process catch that
5 error? I mean, that shouldn't be a QA find, that
6 should be the mechanical documents that the contractor
7 stated they were installing match the Rater's
8 documents that he's validating. So if the contractor
9 says I installed a three ton system and the Rater
10 changed it to a five ton system, shouldn't the
11 registry document process catch that failure?

12 MR. COMMINS: Yeah, it could, but also from
13 the beginning they could have said it had a five ton
14 but in reality they installed a three. What they say
15 they're going to install and what they installed is
16 completely different all the time.

17 MR. NESBITT: George Nesbitt.

18 Yeah, see, as long as you lie consistently,
19 it's okay. You laugh, but it's true. If you're going
20 to lie, you better be consistent.

21 So yeah, in theory some of the forms should
22 be able to catch some things, so if I make a math
23 error or if I put in test values that don't actually
24 calculate out to what's a pass, there's those kinds of
25 things. But if I lie about the information I put in,

1 that's something you can't catch from looking at the
2 form unless it's so grossly outrageous that it's not
3 valid.

4 So as a HERS Rater, if we are sampling and
5 there's a failure, we have to now test one more of the
6 sample group. If that passes then we assume
7 everything's okay. If that fails, we're testing a
8 hundred percent of the sample group. So it is looking
9 back, it is punitive.

10 Now, with the Rater, yes, if there's
11 something that's so outrageous that this Rater
12 shouldn't exist, the question is how far back you want
13 to go to look at how bad they did, and what are you
14 going to do with that information.

15 I guess if it's a bad enough failure, we do
16 maybe, but maybe not something that's so horrible,
17 yes, you do want to go back, see if this is something
18 they've consistently done.

19 I agree, it's like if you do find something,
20 you don't want that mistake being made going forward,
21 so I don't know which is -- well, essentially you're
22 supposed to do more QA going forward if there are
23 failures.

24 And I think some of this also comes back to
25 the QA forms and for the Rater, helpful of knowing in

1 our work what is a failure. Obviously, if a duct test
2 doesn't meet the target, that's easy. But when
3 they're not passing QII, and we have to tell them
4 they've got to fix this and that, at what point are we
5 --

6 I mean, a lot of times I end up doing a
7 hundred percent anyway, like in a multi-family
8 situation it's so easy that it maybe doesn't matter,
9 but as a rater what is a failure that triggers an
10 additional sample versus a discrepancy that doesn't
11 trigger an additional sample.

12 And in the past I was guilty of it and I'm
13 sure people are still doing it. People often don't
14 record failures in the registry, they only record that
15 it passed, and I have had people tell me that they
16 have been told document your failures in your own
17 spreadsheet. But then you don't think we're doing our
18 job.

19 So ideally we are recording failures, but
20 what is a failure?

21 MR. COMMINS: So one of the things that I was
22 thinking about, the reason why to go back and maybe.
23 How often do you go out and you find like three QA
24 failures? Actually, I was thinking if you found three
25 QA failures, maybe it should require automatic

1 decertification.

2 MR. CHARLES: This is Don with USERA.

3 One of the things that I think you used a key
4 word a while ago. If something's deliberate, it
5 almost doesn't make sense to go into a two percent.
6 That almost seems like, whoa, that's a major red flag.
7 So I think it would be helpful to have the CEC define
8 what they deem a deliberate action versus a, oops, a
9 mistake or a discrepancy is here, a mistake was made.
10 But a deliberate action, why even go beyond? If we
11 know we've got a liar out there, why would we even
12 want somebody like that in the industry?

13 MR. HEGARTY: Dave Hegarty.

14 Because they have rights, that's why.

15 MR. CHARLES: Well, of course they have
16 rights, but I'm just saying a decertification process.

17 MR. HEGARTY: Due process.

18 MR. CHARLES: No, absolutely. I'm not saying
19 deny anybody due process, but it doesn't make sense to
20 keep doing additional QA on something that the CEC
21 has predetermined is a deliberate willful action to
22 deceive.

23 MR. BACHAND: Charlie from CalcERTS.

24 I'd like to follow along on that for just a
25 second, and then maybe Dave will refute all of my

1 points.

2 MR. HEGARTY: Possibly.

3 MR. BACHAND: If we maintain the plus two and
4 the two percent, there is an issue that Don brought
5 that is significant. Let's say that we have
6 determined, CEC has determined this is a gross
7 mechanical failure, this is a problem. Then we do
8 plus two and then we put them on two percent.

9 It's entirely possible that a Rater can
10 qualify for six or seven QAs by the end of the year,
11 and then you do plus two more and then you do two
12 percent, so you've doubled it. and let's say you do
13 four more of those and you still haven't finished your
14 two percent but you've found more mechanical failures,
15 can you decertify them then or are the Providers
16 obligated to finish out that plus two and two percent
17 cap? And this question has come up before.

18 MR. COMMINS: So my recommendation was going
19 to be that once they go on two percent -- and that was
20 my next question -- once they're on two percent, if
21 there are additional failures that are found, then
22 what?

23 I mean, my personal thought is that probably
24 decertification --

25 MR. HEGARTY: Back up.

1 MR. COMMINS: -- but we need to open it up to
2 the floor to have a discussion on this.

3 MR. HEGARTY: Dave Hegarty, Duct Testers.

4 Let's remember we have two guys that were
5 decertified and then within a month after that the
6 problem of not having the TMH holes was later said to
7 be, well, we can adjust that. So this whole thing
8 about being the overseer of all this stuff without due
9 process just really grinds at me.

10 Let me go back one place further and agree
11 with Don for all the rest of the Providers. When we
12 collect serial numbers off the units, those serial
13 numbers can be read electronically to show what size
14 it is.

15 So if they're putting the wrong thing, and I
16 agree a hundred percent with Don, this is a
17 verification that comes with the right to be a
18 Provider in the electronics portion of that, and that
19 will do it.

20 MR. WEISE: Mark at CalcERTS.

21 I think you're going to run into a lot of
22 trouble trying to determine whether something is
23 deliberate. There's a lot involved with that. We're
24 talking about the Raters who are decertified.
25 Determining whether or not it was deliberate, there

1 was a lot involved with that.

2 Also, whether something's deliberate or not,
3 you can still have a failure without it being
4 deliberate. And if you have the same failure
5 consistently without it being deliberate, for whatever
6 reason, it's still grounds for putting them on
7 additional QA or two percent or whatever other
8 disciplinary action there is.

9 So again, that's why going forward is the
10 best way. When you're talking about an investigation
11 of a complaint or something like that, then going back
12 does come into play, there's a lot of nuances to it.

13 I think really what it comes down to is
14 determining what's a failure. Whether it's
15 deliberate, that's going to hang us up, I think.

16 MR. COMMINS: And that's why I wanted to get
17 a lot of people involved on the checklists, because in
18 the checklist, that's where we're going to try to put
19 as much information as possible on describing what
20 would be a failure and what would not.

21 So for discrepancies I was actually going to
22 be agreeing with CalCERTS and recommend that any time
23 discrepancies are found that you go forward, that you
24 don't go backwards.

25 So it's training. It's not a major problem

1 with the actual outcome of the test, but you go
2 forward for all discrepancies. That was my
3 recommendation, I wanted to get input on that as well.

4 MR. NESBITT: George Nesbitt.

5 Title 20 is actually almost completely silent
6 on the issue of decertifying a Rater. All it says is
7 a Provider has to have a complaint process and notify
8 the CEC as to any action taken.

9 I agree with Dave, there needs to be some
10 process.

11 MR. COMMINS: That's the next slide. Why
12 don't we finish with this topic here and then we'll
13 let you talk about the decertification process; that's
14 the next slide.

15 Does anybody else have any comments on this
16 slide here about whether moving forward or moving
17 back?

18 MR. CHARLES: Don with USERA.

19 I agree with the whole concept of moving
20 forward. My only comments earlier were that since you
21 did use the term "deliberate." If something is deemed
22 deliberate, that rises to a whole other level.

23 I think it was Alex from CHEERS that said
24 that defining something that is deliberate, that does
25 take some work, so I do like the moving forward

1 concept. I believe a lot of it is training related
2 and a lot of those things can be remedied, and I don't
3 think at the heart of it most guys are out there to
4 lie. I like to have faith that most people want to do
5 a good job. Sometimes they just may not have the
6 initial skill set to get it done.

7 So yeah, I think moving forward is a good way
8 to go.

9 MR. COMMINS: Anybody else?

10 MR. VANTAGGIO: Alex from CHEERS.

11 I think we (inaudible) between the next to
12 slides. To me, this is more to do with process versus
13 the other one that has to do with decertification.

14 But as far as process goes, I think that a
15 lot of people use the term "policy and procedure"
16 interchangeably when it's actually somewhat different.
17 I think the CEC regulation states policy fairly
18 straightforward. I do agree with Mark that some
19 definitions need to be expanded as far as what is
20 what, and I definitely agree with that.

21 But as far as the process itself, I know that
22 each Provider really has their own process in how they
23 deal with QA failures. We all follow the same policy,
24 but as far as how we handle individual deficiencies
25 and discrepancies is completely up to us the way it is

1 right now, so I think the goal would be to have a
2 uniform process on how we handle these findings; I
3 think that's what we're all talking about.

4 MR. COMMINS: So this slide is about the
5 process, about getting recommendations from the group
6 on when failures occur, when discrepancies occur, what
7 should the process be on taking the next steps?

8 MR. VANTAGGIO: Right. Unfortunately, I
9 don't have the magic answer for you as far as what the
10 process should be, but I definitely think that the
11 process should be standardized among all Providers so
12 that there Raters know they're going to get a fair
13 shake under each Provider to go to and they're not
14 going to get to pick what's most convenient for them.

15 So they can't say, well, I don't like this
16 Provider so I'm going to go to another Provider
17 because I think it's going to be easier or different
18 or I'm going to like it more. I think regardless of
19 where they go, that process -- and by process I mean
20 how the deficiencies are handled, the timeline that
21 the deficiencies are handled in, the means of
22 communication to communicate the deficiencies to the
23 Rater, all of those should be standardized so they
24 know what to expect as an industry rather than an
25 individual Provider.

1 And I think some of us are on the same page
2 about certain things, but I think we can tighten it up
3 and we can all have a unified process under all
4 Providers, and ultimately I think that's what we think
5 would be best.

6 MR. NESBITT: George Nesbitt.

7 So I think what was raised is the issue,
8 okay, you have, say, a failure. Especially if there's
9 any kind of long process for due process, say, to
10 decertify someone if it was really bad, the question
11 is what do you do with that Rater out there working
12 between you finding the failure and any kind of
13 decertification?

14 And so in that sense, looking forward and
15 maybe putting greater scrutiny on what they're doing
16 after the failure while you may be determining whether
17 or not it requires disciplinary or decertification.

18 And I think in general if people know there's
19 a possibility that they're going to get QA'd or
20 they're going to get busted or if there's
21 consequences, that helps keep you honest. I think the
22 lack of that certainly makes it easier for people to
23 be more lax.

24 And yes, determining intent is difficult, and
25 I think when there are failures you also got to look

1 at things like, well gee, did the cable guy come in
2 and crawl through the attic.

3 MR. COMMINS: Definitely.

4 MR. NESBITT: There's a lot of potential
5 things that are out of anyone's control. So if it's a
6 big enough problem, we first want to make sure they
7 don't keep making that problem if they're still out
8 there, whether we go back.

9 And so maybe it's yes if there's a failure
10 there's additional QA, or QC in this case. Maybe
11 we're blind as to whether it's forward or back. Or we
12 say it's forward but we don't prohibit that we go
13 back.

14 MR. HEGARTY: Dave Hegarty.

15 It comes down to money. If you've got a guy
16 that is subject to some extra QA, charge him more
17 money, that'll get his attention. If he's working for
18 an agency, that'll get his attention too, right?

19 And I might suggest you think about having a
20 secondary QA goes right to the Rater's pocketbook.
21 Each Rater has to pay his own secondary, or this two
22 thing, it's the Rater's responsibility. When it goes
23 to his pocketbook, he'll do things right, trust me.

24 MR. BACHAND: Charlie from CalcERTS.

25 I had a slightly separate question to ask.

1 In the past when people are put on plus two
2 or two percent and there's a red mark put on their
3 name, assuming that the registry is listing their
4 names publicly, and then again at the two percent
5 level the listing on the registry is public records,
6 if they exist, and notification of all of the
7 Providers, do you intend to continue that? Will there
8 be the previously discontinued list that Energy
9 Commission maintained on all plus two and two percents
10 across Providers? I don't know if there's any
11 direction on that yet or not.

12 MR. COMMINS: So on having the list
13 available, we actually have not had any discussion
14 about that, but I think we're planning on keeping not
15 being able to jump from one Rater to another, and I
16 guess that's a question that we could actually open up
17 to the group here.

18 Right now there's a requirement that if one
19 Provider puts a Rater at two percent or decertifies a
20 Rater, that all Providers are supposed to be notified.
21 And if they move from one providership to another
22 providership they're supposed to stay at the two
23 percent. So my recommendation is going to be that
24 stays the same, but we can open that up for discussion
25 since you brought it up.

1 MR. BACHAND: Raters have proven to be
2 sensitive historically to the idea of having a red
3 mark put by their name.

4 And in truth, Title 20 doesn't even seem to
5 be crystal clear on whether or not registries are
6 required to list all of the Raters that are active and
7 working for them, and I'd appreciate seeing that
8 language cleared up as well.

9 MR. COMMINS: Okay.

10 MS. MCGHI: Paulette from Energy Inspectors.

11 We employ a great deal of Raters in our firm
12 and we would like to be notified when there is a
13 discrepancy in the field, immediately at the same time
14 that the Rater is, because again, they're working for
15 us and so that notification is critical to us and our
16 builder relationships.

17 So I don't know if there's anything in place
18 at this point where we are receiving letters at the
19 same time. I would like to see that continue.

20 MR. BACHAND: Charlie from CalCERTS again.

21 We have adopted a policy of notifying owners
22 of rating firms, or if there's internal QA staff
23 sometimes we'll notify them as well as a rating firm
24 when an individual Rater has a discrepancy.

25 And it's fair to point out that it would be

1 useful if that was enshrined in Title 20 policy. We
2 did not always do that, we did not always provide that
3 notification, and our major concern was for the
4 privacy of the individual Rater in question, and that
5 concern probably still exists. So it would be good to
6 see that actually addressed, that's a good point.

7 MR. COMMINS: Okay. So should we move on to
8 the next slide? Anybody online that wanted to comment
9 on this area on the phone?

10 MR. WEISE: Mark Weise at CalcERTS.

11 Maybe we're going to be addressing it later
12 on, but the topic of notifying the homeowner, is that
13 something we should address here or at some other
14 point?

15 MR. COMMINS: Actually, my presentation is
16 almost completed. I believe that we talked about that
17 at the last workshop but I am not positive. So Rachel
18 is reminding me that we did talk about contacting the
19 homeowner, and it seemed like the participants were
20 split on whether a homeowner should be notified
21 whether there was a failure or not. Since we are
22 almost completed, it might be worthwhile to revisit.

23 MR. HEGARTY: Dave Hegarty, Duct Testers.

24 I'd like to agree that they should be
25 notified. If we started this whole conversation out

1 with the homeowner in mind, the state's current policy
2 is to ensure that the homeowner got it properly
3 installed, and if it's not corrected how do we know?

4 And in this whole core issue of the
5 contractors not knowing what they're doing, if it's
6 not corrected, the homeowner's using more electricity
7 or whatever the energy is, and they're getting
8 something they didn't pay for or the other way around.
9 So it would be my vote to vote for that.

10 MR. COMMINS: Okay.

11 MR. WEISE: Mark at CalcERTS.

12 When we make a clear definition of what a
13 failure is, is what will allow it to do that, to
14 notify the homeowner, because right now there's a
15 discrepancy, is it a failure?

16 MR. COMMINS: Right.

17 MR. WEISE: And where does that come into
18 play?

19 MR. NESBITT: George Nesbitt.

20 In Title 24, if we fail a contractor, the
21 homeowner is supposed to be notified if it's occupied.
22 I forget exactly what it says, but homeowner does have
23 the right to choose to have it fixed or not, there's
24 something about that in Title 24, I don't remember
25 exactly. But I think that if we have a significant

1 enough failure that the homeowner should be notified
2 and they should have the option of having it
3 corrected. And if it was the contractor's failure,
4 the contractor should be fixing it.

5 You know, it's funny. Sometimes homeowners
6 don't actually do what's in their own best interest.
7 I had a project where I was failing the HVAC
8 contractor on refrigerant charge, and of course they
9 didn't think they failed. The homeowner just wanted
10 to get their final sign-off. The general contractor
11 probably wanted to get his payment based on the final
12 sign-off and whatnot.

13 They brought in a different HERS Rater. Of
14 course, the truth is they didn't just write off pass,
15 and so they did have to do something, and I didn't get
16 paid, so homeowner should be given the option but they
17 will not always choose to do what's in their best
18 interest.

19 MR. HEGARTY: Dave Hegarty, Duct Testers.

20 I understand what you're saying, Mark.
21 However, discrepancy or failure, doesn't the homeowner
22 have the right to know? I mean, think about it if you
23 were the homeowner.

24 MR. COMMINS: What's the big picture?

25 MR. HEGARTY: Discrepancy or not, I'm willing

1 to take responsibility for my company. Even if we
2 can't get the contractor to fix it, it should be up to
3 us to make it right some way or another. If we've
4 missed something, we have to be held accountable.

5 MR. VANTAGGIO: Alex from CHEERS.

6 I just want to clarify, when you guys say
7 contacting the homeowner, do you mean also in new
8 construction and alteration scenario or you're just
9 talking about an alteration scenario? When we're
10 talking about homeowner, we mean builder or homeowner,
11 right?

12 MR. COMMINS: Owner.

13 MR. VANTAGGIO: Owner, got it.

14 MR. BERIAULT: Eric with Energuy.

15 On the alteration side, a potential solution
16 would be the QA report that goes to the Rater, why
17 could that not be sent to the homeowner as well? A
18 lot of times they may or may not be interested, but
19 that would give them all the information without
20 really doing much additional work.

21 MR. COMMINS: Thank you.

22 MR. VANTAGGIO: Alex from CHEERS.

23 We personally don't think that there's
24 anything wrong with basically leaving the homeowner
25 being notified up to the homeowner, so if the

1 homeowner wants to be notified of the results, then
2 they can. I don't necessarily think that it needs to
3 be required to, but I think the option should be there
4 for the homeowner, or the owner, builder, whatever it
5 may be, to know those results if they choose to.

6 Right now I can tell you that we as a
7 Provider provide results to -- well, we don't do
8 alterations, but in new construction we provide the
9 results to the builders if they're requested in
10 writing. And there hasn't been any problems with that
11 and not all of them choose to do so, and some of them
12 do, and we haven't had any backlash from it and it
13 seems to be working fine for us, or has been since
14 we've been doing it. So I'm just putting it out
15 there.

16 MR. HEGARTY: Dave Hegarty.

17 Doesn't the code say that we must give the
18 homeowners that paper? So if that is part of the
19 paper and that paper is saying something incorrect now
20 or the QA finds or the discrepancy or the failure
21 finds that the paper is not right, don't we have an
22 obligation to let those homeowners know that what they
23 received was incorrect?

24 MR. BACHAND: Charlie from CalcERTS.

25 The issue with homeowner or owner

1 notification, but let's just focus on alteration for a
2 minute. The issue with that from a Provider's
3 perspective is we're sending -- if it's a request in
4 writing it's slightly different for CHEERS, so I
5 acknowledge that, but in general we're sending out a
6 bunch of information without necessarily having been
7 prompted to that could be used in a lawsuit by the
8 homeowner against the installing contractor.

9 I would argue very strongly that not only for
10 the Provider's best interest but for all of these
11 rating firms' best interest as well that we should not
12 be releasing that kind of information to the
13 homeowners unless and until we have a consistent QA
14 policy that clearly defines what's a failure, what's a
15 discrepancy, what the consequences are for the Rater,
16 what the consequences are for the contractor,
17 etcetera. Otherwise, you're just opening a huge can
18 of worms.

19 So what CalCERTS has requested previously and
20 I'll just extend the request now is for Title 20 to
21 have clear language about homeowner notification and
22 what the requirements are so that the Providers feel
23 comfortable providing that information and the Raters
24 feel comfortable knowing that if the homeowner got a
25 notification, it wasn't some biased or arbitrary

1 process but actually came through a QA process that
2 the Energy Commission has developed.

3 Thank you.

4 MS. MCGHI: Paulette from Energy Inspectors.
5 I have a comment.

6 We generally work with new construction and
7 with the builders. My recommendation would be to have
8 like a tiered letter system where the installing trade
9 and the Rater get a corrections letter, and then if
10 they don't fulfill those corrections in a timely
11 manner, then it escalates to the builders "homeowner",
12 and then that way it gives the parties a chance to
13 really move forward and make the corrections so that
14 it doesn't have to go to the homeowner or builder
15 level.

16 MR. COMMINS: Any more comments?

17 MR. CHARLES: Don with USERA.

18 I thought Charlie's comments were right on.
19 I also agree with Dave Hegarty. I think the homeowner
20 does need to know this stuff, they ultimately have the
21 right. But I also feel that opening up that door
22 without a very clearly defined process puts undue
23 risk, I'm not sure where, but it could create a larger
24 problem. I think the process needs very clear
25 definitions and clarification .

1 MR. COMMINS: That's one of the things that
2 we're going to be doing here in going forward is
3 putting together that process. So once that process
4 is in place, then we might be able to have a better
5 understanding of how we should go forward and who to
6 notify.

7 But I definitely agree that we are going to
8 be putting this process in place of exactly what is a
9 failure and how that's to be determined.

10 Any more comments? Okay.

11 MR. CHARLES: Don with USERA. One more. I
12 also agree with Eric Beriault's comments that
13 providing the consumer, the homeowner, with the report
14 itself should suffice once we get all those processes
15 defined. I think that would meet the obligation of
16 the Provider to inform the homeowner.

17 MR. COMMINS: Thank you.

18 So Slide 22. So stakeholders have
19 recommended that the regulations be updated to specify
20 the decertification process. So one of my questions
21 to the group is what are some of the things that
22 should be automatic decertification? Should it
23 require many different acts that require
24 decertification?

25 I just wanted to open it up to the group

1 about what should require decertification and then
2 maybe the process that should be followed.

3 MR. CHARLES: Don with USERA. Like we are
4 putting together this committee to go over the QA
5 process, I would very much like to see and participate
6 in a committee of my peers about defining this
7 process. I don't want to allude to what I think the
8 right things would be right now, because I think
9 decertification is a very, very serious thing, as I'm
10 sure CalcERTS does and CHEERS and George's company.
11 This is not a simple thing.

12 I'd very much like to work together with my
13 peers to define that. And I would also like to see
14 once those definitions are made, I would like to see a
15 working group that when decertification, if it ever
16 rises to that level, comes before a committee of all
17 of our peers, to make the final determination of
18 decertification and that it's honored throughout the
19 industry.

20 MR. VANTAGGIO: Alex with CHEERS. I agree
21 with that statement. I think this goes hand in hand
22 with that unified process that we talked about in the
23 previous slide. I think the definitions of what
24 certain actions might be leading to permanent
25 decertification have to be super clearly defined

1 beyond a reasonable doubt to really make sense of it
2 so that people are fully aware of the consequences of
3 their actions.

4 Even though it might seem clear when we say
5 fraud, well, what is fraud? What do we mean by fraud
6 when it comes to HERS inspection and so forth?

7 I know in the past we've thrown around the
8 idea of if you're decertified from one Provider are
9 you decertified from all Providers? We're also open
10 to that as long as, again, it's a unified process. We
11 all agree on why the individual is being decertified
12 across the board.

13 And I know that in the past that hasn't
14 happened. I know that CalCERTS decertified somebody
15 in the past and we relooked at the event and then we
16 kind of investigated ourselves and we decided to
17 certify him under us. At the time there wasn't a
18 unified process and that's why we did what we did. If
19 there was a unified process that everybody was a part
20 of and everybody agreed on, that would be a different
21 conversation because now we all agreed on the exact
22 same thing.

23 When we were talking about a panel of peers,
24 I think it should be left up to the Providers, if
25 those are the peers that we're talking about.

1 I know that Dave is wanting to do a HERS vote
2 in the past, and I agree with that. Basically, you
3 have HERS Raters vote in on the issue and so forth.
4 However, I do think we have to think about that might
5 leave the door open for retaliation among different
6 HERS rating companies, so we do have to take into
7 account how to address that particular situation.

8 You could have a HERS Rater from one company
9 pushing the decertification of a rater from another
10 company, so we've just got to think about it. I'm not
11 saying that there's an answer for it, but it's
12 definitely something to take into consideration.

13 We're open to the panel idea. We're open to
14 a unified process. We're open to decertification
15 under very specific defined definitions.

16 MR. NESBITT: George Nesbitt.

17 I think the main thing I want to say is if
18 something appears to be serious enough to go to
19 decertification, especially having some forum beyond
20 just that Provider, and actually having a panel with
21 Providers, Raters, should actually make the Rater feel
22 better about a decision, that many people are looking
23 at it, looking at the evidence and coming up with a
24 decision, and feel less that they're being persecuted
25 because their competitor complained or they think the

1 Provider is out to get them.

2 Now, who all is on that, whether that
3 includes the CEC, ideally yes, it would include
4 Raters. There are ways to have people on a panel
5 especially with Raters that are not direct
6 competitors, so someone from a different geographic
7 area.

8 There are various forums where people work to
9 help peoples' businesses, and they usually bring in
10 people that aren't competitors from somewhere else, so
11 that kind of thing.

12 MR. CHARLES: Don with USERA. One of the
13 reasons why I think a joint panel would be good is
14 because I would like other professionals in the
15 industry, as George was alluding to and the point I
16 was trying to make originally, to validate the
17 findings on the very specific criteria that's created.
18 But also then to ensure that a decertification is a
19 decertification is a decertification, and that USERA
20 is agreeing, CalCERTS is agreeing, CHEERS is agreeing
21 collectively that, yes, this met the criteria for that
22 and we are removing this person from the industry, as
23 an association, if you will, as a group we're saying
24 no.

25 Or we're saying, hey USERA, you looked at

1 this wrong and we think that this Rater deserves
2 another chance because maybe you missed this here.
3 Oh, okay, that makes sense, let's make this a training
4 issue. I think that would be helpful.

5 MR. HEGARTY: Dave Hegarty, Duct Testers.
6 Most of all the Providers and I have talked about
7 this. It is an odd number of people and there are now
8 four Providers and not all four have to be on there,
9 but it would be an odd committee with a couple of
10 Raters, three Providers, for example, because you have
11 to be absolutely sure that decertification is the
12 right thing to do. It takes Raters themselves who pay
13 for it and agencies who pay for Raters to be certified
14 lots of dollars, and it takes lots of experience, so
15 we want to be sure that that's exactly.

16 I'm not opposed to decertification as a
17 penalty in itself, but Raters should be part of that
18 as a committee. Maybe not the majority of course.
19 And I do think it's up to the Providers ultimately,
20 but they could do that in an odd numbered committee.

21 MR. BACHAND: I guess I have some concerns
22 about this. For one thing, only Providers are allowed
23 by the Energy Commission to certify people. We do not
24 go through a multi-phase committee process to certify
25 people. We do not consult with other Providers or

1 with other Raters on the question of whether or not to
2 certify someone.

3 Why is it being assumed that the Providers
4 themselves are unable to make the determination
5 whether or not to decertify someone? To me that's
6 entirely in keeping with the whole point of being a
7 Provider. You train someone, you certify someone, you
8 QA someone. And ultimately if you find that they are
9 damaging the homeowner deliberately and repeatedly,
10 then you decertify that person.

11 I think that trying to form such a committee,
12 determine who should be on it, how many people, how
13 often it should meet, what happens if you don't meet,
14 etcetera, etcetera, will greatly muddy the waters and
15 not lead us very much closer to a uniform process.

16 I think that what is important is to write
17 the QA regulations in Title 20 so that it's very clear
18 that after every letter or every determination by a
19 Provider, failure or discrepancy or decertifiable
20 offense or not, that there's an appeal process built
21 into it -- let's say a two-week one, where it's made
22 crystal clear in law, in Title 20, that the Rater can
23 go ahead within a two-week timeframe and submit
24 evidence to the Provider saying, no, I disagree, I
25 dispute your results, here's why, and that would

1 require a process for the Provider to review that.

2 I think that after that process, if the Rater
3 who is, especially in the case of being decertified,
4 if that Rater wants to make an appeal that should go
5 directly to the Energy Commission, who after all is
6 the body that is responsible for licensing all these
7 Providers to do this in the first place.

8 I think the committee stage in the middle,
9 for reasons I've already said, it's not necessarily
10 appropriate, nor do I think it would lead to a timely
11 decertification.

12 Let's suppose that we are finding a Rater
13 who's going around and systematically lying to people
14 about what's being installed in their home. Do we
15 want that to be a twelve month decertification process
16 while that guy's still working, or would we like to be
17 able to make a determination as soon as the Provider
18 is able to actually stand behind one with as much
19 confidence as they can muster?

20 I would argue that we want to the process to
21 be smooth. Allow for appeal, allow for due process,
22 it's required and it's a good thing. But ultimately
23 the committee phase in the middle, I don't think will
24 be helpful.

25 MR. HEGARTY: Dave Hegarty, Duct Testers. We

1 weren't suggesting that part. We were suggesting that
2 when it comes to decertification across the board for
3 all Providers. You still have all the rights that you
4 have now and nobody's taking anything away from
5 CalCERTS or any of the Providers themselves once
6 you've decertified.

7 But if you're requesting him to be
8 decertified across the industry, it has to go in front
9 of a board to make that happen so that he can't cross
10 over, and that's not a huge issue.

11 You can still suspend and also you can
12 decertify the way that it reads in your book, and no
13 one wants to take that away from you. Does that make
14 sense?

15 MR. CHARLES: Yeah.

16 MR. HEGARTY: Dave Hegarty, Duct Testers.
17 But going across the board, across the lines to other
18 Providers has to have some ultimate results in it that
19 everybody's looked at, because we know that in fact,
20 even with the Energy Commission people have been
21 decertified who didn't get that chance by order of
22 someone in the Energy Commission.

23 We're all human, we're all going to make
24 mistakes, right? But you have to have that same
25 backup to be able to explain your situation and have

1 somebody else believe you, because there are times
2 when people don't believe you in one instance and in
3 another will believe you.

4 MR. VANTAGGIO: Alex with CHEERS. One
5 thing I wanted to say was I don't think that the final
6 decertification authority should be with the CEC
7 simply because, one, I don't think you guys want that
8 on your shoulders.

9 But two, I don't think that the CEC is going
10 to have any more information than what the Provider
11 has. Obviously, the Provider's going to have the most
12 information because they're the one conducting -- I
13 don't want to call it investigation, I'll call it
14 review of whatever they're reviewing, so I don't think
15 sending to the CEC is really going to add any more
16 value to it. I think it should just rest with the
17 Provider and they'll make a decision based on the
18 unified process that we mentioned earlier.

19 And just like Dave said was the
20 decertification across all Providers, not just one
21 Provider, so I agree with that Dave was saying.

22 MR. BACHAND: Charlie with CalcERTS. That
23 clarification that you and Dave made makes sense. I
24 want to touch real briefly on what you just said.

25 The CEC has already been the ultimate body of

1 appeal. If you don't write it into the code that
2 there's an appeal process, then okay, it's a 1230
3 complaint instead, which one is preferable?

4 I think ultimately CEC is the body that
5 people will appeal to, whether it's written in law or
6 not, so we might as well have a uniform process for
7 that because it will happen.

8 MR. HEGARTY: Dave Hegarty, Duct Testers.
9 And then you have across the board consensus and
10 that's a really good thing. My projection of a board
11 would be that a member from CEC would be on it as
12 well. That may not be what you want but at least that
13 gives us some representation across the industry.

14 MR. COMMINS: Any more comments? Anybody
15 online that wants to comment?

16 MR. CHARLES: Don with USERA. Charlie, I
17 totally understand what you're saying and I respect
18 that a lot. I just feel there's a little bit of
19 safety in numbers, so I guess what I'm trying to do is
20 minimize the complete burden of potential lawsuits and
21 things that could happen that could come down on a
22 Provider if they feel that they're making this
23 determination completely on their own without an
24 industry that's going to back them up on that
25 decision.

1 And I also think there's safety in numbers in
2 that, hey, this isn't just a decision that USERA has
3 come to. This is the industry reviewing on behalf of
4 both the Provider and the Rater what happened here,
5 looking at the scenario and a group of people agreeing
6 that understand and saying, yes, this either rises to
7 that level or, no, it does not. And I think there's a
8 lot of safety in a decision like that being made at
9 that level versus CalCERTS having to make that
10 determination on your own and then being subject to
11 possibly months and months of high legal costs and
12 everything else.

13 Just a thought. I totally understand what
14 you're saying and I agree with Dave too. I think you
15 still have the right to do whatever you want, but as
16 it comes to decertifying industry wide, I just feel
17 there's safety in numbers.

18 And I think as an industry we really need to
19 be very specific about this because decertification is
20 a very serious thing. We're basically taking
21 somebody's livelihood away permanently, and obviously
22 somebody's going to fight for that if they feel
23 there's a loophole or any possibility of having that
24 overturned, and that's why I like a little bit of
25 safety in numbers.

1 I think it needs to be very clear and it
2 can't even be disputed. If you violate these things
3 and here's the proof, there's no way to really refute
4 that. Smoking gun, if you will.

5 MR. BACHAND: Charlie with CalcERTS. That
6 makes sense, and the differentiation between
7 decertifying somebody at the providership level versus
8 decertifying somebody industry wide, that's an
9 important one to make and I can see the arguments for
10 the committee being much stronger on the industry wide
11 one if for no other reason than once, for example, if
12 Energy Commission sends a letter to all Providers
13 saying you should decertify this person, all the
14 Providers will want to review that individually
15 anyway, so we might as well come together in a
16 committee meeting and discuss it.

17 So as long as that line between Provider
18 decertification and industry decertification is clear,
19 then I would remove my objections to the industry wide
20 decertification committee process. Thank you.

21 MR. NESBITT: George Nesbitt.

22 So the Energy Commission certifies Providers.
23 Providers certify HERS Raters. So in that sense I
24 agree with Charlie, ultimately the only one that can
25 decertify a Rater is the Provider. But I do think

1 that some outside, even if it's an advisory board,
2 would be useful to a Provider if they think a Rater
3 needs to be decertified.

4 It sort of gives them a gut check, helps keep
5 things from being a personal issue. I think that if a
6 group of peers agrees with the Provider, then perhaps
7 that Rater would be less likely to challenge it.
8 Plus, then I think at that point it becomes clear you
9 can't just switch Providers. So I think it could
10 provide value, although yes, technically only the
11 direct Provider can decertify the Rater.

12 MR. HEGARTY: Dave Hegarty, Duct Testers.
13 Charlie and I were just discussing the very fact that
14 keeping the Provider with the power, he could call the
15 meeting of other Providers and this committee in a way
16 saying he thought it was serious enough that the other
17 Providers would need to know and that it deserved
18 decertification across the board, in his opinion, and
19 then it would be the committee that would be decided.

20 But if he didn't feel that and he just had a
21 feeling or not enough evidence to make the thing
22 happen. He wanted him out of his providership, he
23 does not necessarily have to call for the joining of
24 the Providers to vote.

25 Does that make sense to everybody?

1 MR. VANTAGGIO: Alex with CHEERS. I just
2 want to address what George said. I just want to
3 point out that decertifying a Rater for a Provider,
4 that's a bad thing. Ideally a Provider does not want
5 to decertify any of their Raters, so if anything,
6 keeping a Rater is in the best interest of a Provider,
7 not the other way around.

8 I couldn't picture a situation where a Rater
9 [sic] wants to purposely just decertify their Raters,
10 that actually goes against the business model of a
11 Provider, we need the Raters, so I just wanted to
12 point that out.

13 MR. CHARLES: Don with USERA. That's
14 absolutely true and that's why I think decertification
15 as a future rules committee will hopefully determine,
16 would be a decertification.

17 If a Provider wants to just not work with a
18 Rater anymore for maybe reasons of nonpayment or some
19 other thing, that doesn't necessarily mean that Rater
20 has to be decertified. They're just making a business
21 decision.

22 But when it comes to decertification you're
23 really saying that this Rater is not qualified either
24 ethically or skill wise to do their job in the
25 industry. So if they're not qualified to do their

1 job, why would they be all of a sudden qualified to go
2 across the street and do it for another Provider? I
3 don't know.

4 So that's what I'm trying to say and I want
5 to make sure that we all as an industry can agree to
6 what those things are so that we all, we're protecting
7 the industry and we're protecting each other. I mean,
8 we have plenty of areas to compete on in the
9 marketplace. I don't think we need to be competing on
10 the rules that govern the fairness in the marketplace
11 on these other things. I think that's an area that we
12 should all be in agreement with to bolster the quality
13 and the soundness of the industry at large.

14 MR. COMMINS: So do we have any more
15 comments? Anything online? So let's move on to the
16 next slide, and it's actually our last two slides.

17 So in finishing up this portion of the
18 presentation I wanted to ask if you have any general
19 comments on how we can increase compliance with the
20 HERS measures to insure homeowners are receiving a
21 quality product, so just a general question.

22 Now, we've talked a lot about the QA. Is
23 there anything that we missed specifically in QA that
24 we should be discussing? Or the HERS process in
25 general?

1 I think one of the things Charlie was talking
2 about was the difficulty of getting out to do QII, and
3 he would like more guidance on how that process is to
4 occur, is what he's asking.

5 MR. CHARLES: Not only how that process
6 occurs but what happens when it can't occur according
7 to the usual rules, and things like that.

8 MR. COMMINS: I think that would need to be
9 probably a standalone webinar is probably the best way
10 to get interested parties involved and come up with a
11 recommendation on whether it's regulations that need
12 to be changed or just to decide the best way for QII
13 to occur and the best way to proceed.

14 MR. HEGARTY: Dave Hegarty, Duct Testers.
15 I'd like to remind the Commission and the Providers
16 that QII has gone from really bad to a lot better than
17 it used to be by about sometimes 80 percent. So
18 keeping in mind that if you change the rules you're
19 making it more difficult for the guys who are doing it
20 right, and more costly, as well as if we just go out
21 there on site and make an appointment before the
22 sheetrock goes up, you're actually teaching and
23 getting them to engage in teammanship rather than
24 penalty.

25 I would disagree with the findings that were

1 in the 2013 code that said that QII was underserved,
2 and I would disagree with that.

3 What do you think, Paula?

4 MS. MCGHI: I think for the QII, it has
5 gotten a lot better. I think with the new Title 24
6 rules and regulations has been extremely helpful.

7 MR. COMMINS: So when you say it's gotten a
8 lot better, do you mean that installers are doing a
9 much better quality job?

10 MS. MCGHI: They're starting to, yes.
11 There's been a lot more education, and they're willing
12 to listen, as well, because when we fail them they
13 have to come back and that costs them money. Like you
14 said, if it hurts in the pocketbook they're going to
15 make sure they do a better job.

16 But one of my thoughts was, because it is
17 difficult with the scheduling, the insulation goes in
18 and then they try to put the drywall up immediately,
19 is if this could be a QA inspector with the Rater and
20 have that checklist that we're going to design and
21 just have the QA inspector just follow the Rater
22 around and just check off how he's doing. And then
23 that way you actually get out there during the
24 inspection. It's easier to schedule, and you can meet
25 your quota.

1 MR. COMMINS: And actually, thinking that's
2 probably the best way to proceed, especially for QII,
3 that you're required to work with the Rater and go out
4 there.

5 MR. HEGARTY: Dave Hegarty, Duct Testers. I
6 don't know too many people that are not doing QII as a
7 group sample, so they could actually take that group
8 sample and notify the Provider this is my group
9 sample. He should be able to say I pick this one.
10 When you get called out for the QII on this group I'm
11 going with you, and have that set aside. And that
12 brings that whole thing together. And I agree with
13 what Paula just said.

14 MR. COMMINS: Okay.

15 MR. NESBITT: As mentioned earlier, I think
16 educating homeowners about the possibility of QA, both
17 from the contractor as well as the HERS Rater to
18 hopefully make it easier that when you do need to do
19 QA in an occupied building that you're likely to have
20 a higher rate of success.

21 To the extent that we can agree on photo
22 documentation, other things that could serve as QA
23 that are easier and quicker, that would be great.

24 MR. COMMINS: Actually, I've got a quick
25 question for you. So how would we ensure that an

1 installer in existing buildings let the homeowner know
2 that someone might be coming out and doing a QA?

3 MR. NESBITT: You could write it into Title
4 24, because the contractors -- and the way Title 24 is
5 written is that any time a permit should be pulled and
6 not if it's pulled. The code does not only apply if
7 you pull a permit. So in Title 24 we could require
8 contractors to give notice to homeowners of those, to
9 all homeowners whether they're sampled or tested a
10 hundred percent. Perhaps it needs to explain that you
11 fall under this HERS verification regulation and you
12 have the right to actually have your house tested and
13 not sampled, and so on and whatever else, and that a
14 HERS rater may come out to your house and the HERS
15 Provider may come out to double check on the Rater and
16 indeed the contractor, that might pave the way.

17 Of course we can write anything we want in
18 code but getting compliance and enforcement is a whole
19 other issue. I mean, ideally whether we can go to the
20 CSLB, the Contractor's State License Board, directly,
21 and whether you can get them to write some specific
22 things in their code.

23 I believe recently they did release some form
24 of educational letter that contractors can use,
25 especially in trying to differentiate themselves

1 against those that are not pulling permits.

2 So Title 24 is your most direct connection to
3 a contractor because they're supposed to follow code.
4 Title 20 you have no direct connection.

5 MR. HEGARTY: Dave Hegarty, Duct Testers.
6 Mark and I were just discussing it too. It's not a
7 bad idea to have the contractor do it because we're
8 not touching the houses of the sample, so the
9 contractor would give this letter that is precanned or
10 something. I think that's not a bad idea. That way
11 everyone gets it.

12 MR. WIESE: Mark with CalCERTS. CalCERTS
13 currently requires the Raters to hand the homeowner,
14 it's a letter to the homeowner that describes the QA
15 process and what's involved. That way they should
16 know ahead of time that when somebody calls what it's
17 about. Not all homeowners may read that.

18 But yeah, if you have the installers. If we
19 put that into the regulations, making that a
20 requirement and making it a requirement for installers
21 also to have some form letter to the homeowner
22 describing QA, even giving them an opportunity to
23 volunteer for it, that would be helpful.

24 MR. COMMINS: Any other comments? Any
25 comments online?

1 MR. CHARLES: This may be getting a little
2 off the beaten path here, and it probably will be And
3 I apologize for that. But whenever we get together on
4 these calls and everything, so much emphasis is placed
5 on the Providers and the HERS Raters and all that,
6 which is absolutely fine.

7 But we all know that quality starts with the
8 contractor, and we also all know that at least for the
9 most part that only about 10 to 15 percent of permits
10 are being pulled in the marketplace. There's so many
11 jobs out there that are never going to be QA'd because
12 we're really talking about contractors and HERS Raters
13 and Providers that are all willing participants in
14 this arena. But the majority of the industry is not
15 willing participants.

16 What can we do identifying that, working with
17 the CSLB, the CEC, to bring the rest of the industry
18 on board.

19 You know, when you attach a fee or a cost to
20 these guys, that really tends to get their attention.

21 You know, of course I'm not talking to the
22 contractors that may be in the room right now, they're
23 already doing excellent work and working with all of
24 us. I'm talking to the 90 percent of the industry out
25 there that's not, and what do we need to do as a group

1 to help migrate the rest of the industry to form
2 commonality of laws and uniform practices out there
3 that will make it very, very difficult for people to
4 not comply with the law. That's where quality
5 assurance starts, in the job itself. There's so
6 January jobs that are never going to be QA'd because
7 there's never been a permit pulled. There's no HERS
8 rater involved. They're not filing any documents.

9 What can we do as an industry to figure out
10 how to increase compliance?

11 MR. COMMINS: So as part of the strategic
12 plan, that's one of th goals is to increase compliance
13 by 90 percent by 2020.

14 And we've got a WHPA committee that's
15 specifically working on that right now. They're
16 working with the utilities and working with different
17 groups, so I know that they are working on this and
18 trying to bring compliance up, but I'm not sure
19 exactly what's going on with that committee ri8ght
20 now.

21 MR. VANTAGGIO: Alex with CHEERS. I have a
22 question actually for -- does the CEC have
23 jurisdiction to mandate training for contractors, is
24 that possible?

25 MR. COMMINS: It has to be put in code, so we

1 don't right now.

2 MR. VANTAGGIO: Not right now, but you could
3 write it in potentially, that's doable.

4 MR. COMMINS: Yes. Yes.

5 MR. CHARLES: Could it even be put in code
6 for unit sales or some sort of audit of existing
7 contractors; I don't know.

8 I know that the WHPA committee. I know that
9 right now serial number tracking is being investigated
10 and there's a lot of push for that, tracking the unit
11 from its origin to see where it goes, and then match
12 it up against permits or the lack of permits based on
13 the serial number. So that seems to have a lot of
14 promise right now. There are some complications with
15 that but it's definitely something that looks. Even
16 with its complications it looks to be one of the most
17 simple ways to address the majority of the units going
18 out there right now.

19 So I know I got off the beaten path a little
20 bit, but there's so much out there that we're not even
21 getting as an industry as far as installs, and so much
22 energy being wasted, and I'd really like to see us --
23 right now we're addressing policies and things that
24 are the cream of the crop, and the cream of the crop
25 is a very small percentage of the industry and the

1 rest of it out there is just not even being brought to
2 bear at all.

3 My peers can correct me if they feel
4 differently, but I almost feel like a little bit more
5 energy needs to be focused on bringing the rest of the
6 industry even up to where we are right now, even if we
7 made no additional policy changes. Just getting even
8 half of the industry up to where we are right now with
9 no other policy changes being made, just enforcing the
10 laws that are on the books.

11 MR. HEGARTY: Dave Hegarty, Duct Testers.
12 Gee, I looked around here and didn't see any
13 contractors.

14 MR. NESBITT: I'm a contractor.

15 MR. HEGARTY: Dave Hegarty, Duct Testers.
16 HVAC.

17 MR. NESBITT: General contractor. Unlicensed
18 HVAC contractor.

19 MR. CHARLES: Don with USERA. Again, I'm
20 sure that the contractors that would be present in
21 this meeting are guys that are already complying, and
22 we're all grateful for that. We're grateful and I
23 want to commend any contractors that I'm sure my peers
24 to that are already participating in this process,
25 because god knows they could be skirting that process

1 pretty much as effectively as everyone else is.

2 MR. NESBITT: Even when permits are pulled a
3 lot of building departments are not enforcing. So you
4 can issue CF1R's that say HERS verification required
5 and nothing ever happens, either because the local
6 jurisdictions don't understand, they don't see the
7 Energy Commission as their baby, as life safety, even
8 though they're supposed to enforce it. Or they
9 misunderstand it and give people the wrong forms and
10 they don't have a clue. I see that a lot.

11 MR. CHARLES: Charlie or Alex, do you guys
12 have any thought on anything that I'm putting forward
13 or am I just out here in the Tulles by myself?

14 MR. BACHAND: Charlie with CalcERTS. I think
15 you're right about the fact that we need more
16 compliance and that we need to focus on that. Most of
17 the comments that I prepared for today's webinar were
18 specifically with regard to the QA quota and how those
19 should be modified for Providers.

20 I think there are some ongoing projects. I
21 certainly would agree in general that we should be
22 pushing for more of that as much as we can. I'm not
23 sure what we can develop at this meeting to go down
24 that road but I'd certainly be interested in
25 discussing it.

1 MR. CHARLES: I totally agree with you. I
2 guess what I'm trying to say is would you not all
3 agree that where we are still so much further ahead
4 than the majority of the industry. If we could just
5 get a decent portion of the rest of the industry up to
6 where we are at this point, even with our minor
7 tweaking and flaws that we have, think of the
8 improvements that we would see in so many homes and
9 energy use and so many of the things that we're all
10 trying to impact positively. It just seems like maybe
11 as a group, as an industry we should focus a little
12 bit more on trying to figure out how to get the rest
13 of the industry to join what we've already done very
14 well.

15 MS. MCGHI: I think continuing education
16 requirements to trades and contractors and building
17 officials and inspectors is a critical piece that
18 could be offered. I know it had a tremendous effect
19 in Utah when that was implanted. They started with a
20 54 compliance rating and got it up to an 89 within two
21 and a half years, and it was just through the industry
22 coming together and providing these trainings in which
23 building officials with the HERS industry, with the
24 contractors and trades and builders could all be
25 together and hear about the energy codes and what it

1 takes to do a proper install.

2 With that type of education and consistency,
3 it does make an improvement.

4 MR. CHARLES: That's really awesome. Was
5 there any teeth behind that? Like was it a
6 requirement that they had to receive this additional
7 training or was it just kind of attend if you want?

8 MS. MCGHI: It was a grant that Utah
9 participated in in improving energy codes in Utah to
10 increase energy efficiency twenty percent by 2015,
11 which they did do.

12 So it was funded and the trainings all took
13 place for three years, and then they actually went out
14 and did an energy audit with the building officials
15 and inspectors with a checklist that they had and they
16 followed them around on jobsites and then just checked
17 off what they were doing, and we got a really good
18 idea of where our building officials were.

19 And then based on that where the weaknesses
20 were, we created the trainings, and that was our
21 focus, and by the end of the three years we had
22 improved compliance to 89 percent.

23 MR. VANTAGGIO: Alex with CHEERS. We also
24 agree that continuing education is a really big
25 portion, but coming back to what you were saying, you

1 were talking about people who blatantly choose to go
2 around the system, right?

3 Paula, in your situation those are people
4 that want to do the right thing but they might not
5 have the information or the knowledge to do the right
6 thing, so they're looking for additional resources.
7 But don, you were talking about people that they know
8 they're not doing the right thing and they don't care
9 about fixing it, is that where you were going with it?

10 MR. CHARLES: I think there's definitely a
11 little bit of both going on there, but yeah, I can see
12 the distinction but maybe we need to talk to Paula's
13 people there in Utah and ask what they did because
14 maybe there's some things to learn and apply there.

15 But yeah, I'm also talking about the people
16 that are just defiantly not participating. And maybe
17 they're defiantly not participating because they
18 really don't believe there's any enforcement.

19 Again, what do we need to do to put teeth in
20 the enforcement to where they realize, hey, if you're
21 not going to not comply you basically have to do it
22 under cover of darkness because we're going to find
23 you. So how can we really start to put teeth to
24 compliance to get the industry up to where we are now,
25 flaws and all?

1 We're so much further ahead than the rest of
2 the industry. What can we do to put teeth behind
3 compliance and enforcement?

4 MR. HEGARTY: Dave Hegarty, Duct Testers. To
5 add to that, I think it's a great idea, but did
6 everybody know that in the documents that are called
7 contracts from the contractor to the homeowner they
8 have to have specific wording there about certain
9 things. We could actually add that to that because
10 nobody's going to work without a contract. Put in
11 there that they have a right to a HERS test and all
12 that stuff and what it's all about, put that into each
13 contract. A homeowner that works without a contract
14 would be considered pretty foolish.

15 It's another way to attempt it since you
16 didn't like my other idea.

17 MS. MACDONALD: This is Rachel MacDonald. I
18 just wanted to say that this is good conversation, the
19 subject of permitting and compliance and increasing
20 that is definitely within the policy goals of 758 that
21 are currently being explored with a group that we
22 closely coordinate with within our efficiency unit,
23 and it does have increasing compliance goals and it's
24 my understanding that they're going to be initiating
25 some activity in the near future. And I've indicated

1 to that individual that the HERS industry is very
2 eager to work with them in advancing the goals of
3 having increased compliance, because obviously it's
4 win-win for everybody. HERS Raters get more business,
5 the Providers get more registry usage, so it's in
6 everyone's best interest.

7 MR. CHARLES: Well, the homeowners get
8 protected, too, even though they may or may not
9 understand that.

10 MS. MACDONALD: Right, but on a policy level
11 we do have to coordinate with CSLB. Under our
12 regulatory authority we regulate HERS, we don't
13 regulate CSLB, and so any time you go into discussion
14 about what we need to do with contractors it's
15 delicate. I'm not saying we won't do it, I'm just
16 saying it's delicate, it does take time and it does
17 require coordination.

18 In the context of today and for the
19 conversation of QA are there other suggestions about
20 things we might do to improve? Is there anything
21 else?

22 The notification of the homeowners, that was
23 brought up and we talked about that. Is there
24 anything else?

25 MR. BERIAULT: I guess one question that I

1 have is how do I know as a Rater if my Provider is
2 doing the correct amount of QA that they're supposed
3 to? Or how do I know that other Providers are doing
4 the right amount of QA? How do I find that out?

5 MS. MACDONALD: Currently the regulations
6 require that or indicate that we should be getting
7 annual reports from Providers that indicate this. And
8 I believe the section says something to the effect of
9 they can be publicly available if they're aggregated.

10 MR. NESBITT: It says the Energy Commission
11 may make it publicly available but it would be
12 aggregated.

13 MS. MACDONALD: It's my understanding it
14 hasn't. for the last year it's something for 2014 we
15 are working on getting from all of the Providers.

16 MR. BERIAULT: Great, because obviously
17 transparency in the process gives confidence to it as
18 well.

19 MS. MACDONALD: So I have a question for
20 Providers. Do you publicly have your QA information
21 available, or is it just on a case by case basis. If
22 a Rater asks what are my stats? I'm just curious.

23 MR. VANTAGGIO: Alex with CHEERS. We have
24 a variety of different levels of reporting, so to
25 answer Eric's question, we provide the CEC weekly

1 reports on our QA that's done from the previous week.

2 On top of that, our website on the list of
3 all the Raters that we have under CHEERS, we post
4 anybody who has had a failure in the last six months.
5 We don't give specifics, it's just marked as to the
6 rater failed in the last six months.

7 As far as the Raters, we notify each Rater
8 individually every time a QA is conducted whether it
9 was a pass or fail with the details of that particular
10 failure, and then if that Rater wants additional
11 information on what we found, then that's a one on one
12 conversation with the Rater, but that's all done.

13 MR. BACHAND: Charlie with CalcERTS. For one
14 thing, Section 1673(g) seems to be referring to you
15 may request it and it will be aggregated, but it's
16 specifically talking about rating results and not QA
17 results.

18 In terms of the reporting that we give to
19 individual Raters and the Commission, we do the annual
20 reporting, we do the weekly submission of the logs.
21 We notify every Rater when we QA them.

22 We've also been notifying rating firm owners
23 when they want to have an overview. I've got three
24 Raters working for me. You QA'd this guy twice, this
25 guy three times, the other guy once. Why? So we have

1 that information available.

2 We haven't submitted that in particular to
3 the Energy Commission because we have a much more
4 massive spreadsheet that we submit to them on a
5 regular basis, but we could break it down to that
6 level of detail as well.

7 MS. MACDONALD: So was there anything else
8 anyone wanted to add? Nothing?

9 So for next steps I'm going to introduce my
10 supervisor for our unit, for the Standards
11 Implementation Office Compliance and Enforcement, this
12 is Lea Haro. Lea's going to be assuming my duties
13 because I'm going to be going to a different division
14 within the Energy Commission, and so this will be my
15 last official workshop with you guys.

16 MS. HARO: So the next steps are comments are
17 due on August 10th, and we would like to see your
18 comments in writing. Having the discussion has been
19 really great, but if you could produce your comments
20 in writing through the docket, that would be very
21 helpful.

22 It is also helpful that for future
23 activities, including workshops and webinars and the
24 working group that we discussed here today, we will be
25 posting those notices through our list serve, so if

1 you haven't already please do join the list serve.

2 The information for the dockets is listed on
3 our website. It's also listed on the slide here, so
4 you can provide them via email or through regular
5 mail.

6 In general, it is helpful if you can consider
7 some of these items when you are submitting your
8 comments, so the who, what, when, where, and why. You
9 don't have to, these are just sort of helpful hints
10 for when you're considering your comments.

11 It is helpful if you are specific about
12 problems and if you have ideas for how to resolve
13 those problems, we would welcome your suggestions.

14 And this slide just lists our contact
15 details, which I think most of you already have.

16 And this slide, I think Rachel referred to
17 some helpful links listing the regulations and our
18 other notices for the OII. And that's it.

19 Are there any questions?

20 Thank you very much for everyone who
21 participated today, and we look forward to hearing
22 from you.

23 (Adjourned at 2:50 p.m.)

24 --o0o--

25

REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of July, 2015.



PETER PETTY
CER**D-493
Notary Public

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IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July, 2015.



Terri Harper
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