



CALIFORNIA ENERGY COMMISSION

Nonresidential Building Energy Performance Rating Disclosure Regulations

May 17, 2010

Efficiency Committee Workshop

Commissioner Eggert

Commissioner Byron

Commission Staff :

Joe Loyer

Robin Mayer

Martha Brook





Nonresidential Building Energy Performance Rating Disclosure Regulations

Workshop Agenda

- Background in Brief
- Current Rulemaking Schedule
- Presentation of the revised draft regulations.
- Presentation of the Energy Commission draft report format within the EPA Energy Star Portfolio Manager.
- Proposed California Disclosure Document
- Questions and Answers

Special Note: The draft Guidelines to aid building owners in compliance is not currently available, but will be released prior to entering into formal rulemaking.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Background in Brief

Assembly Bill 1103 established the following requirements in Public Resources Code Section 25420.10 for the Nonresidential Building Energy Performance Rating System.

- Electric and gas utilities
 - Must maintain records of the energy consumption data of all nonresidential buildings to which they provide service for at least the most recent 12 months.
 - With the authorization of a nonresidential building owner or operator, the utility shall upload all of the energy consumption data for nonresidential building to the Energy Star Portfolio Manager in a manner that preserves the confidentiality of the customer.
- An owner or operator of a nonresidential building
 - Shall disclose the Energy Star Portfolio Manager benchmarking data and ratings, for the most recent 12-month period, to a prospective buyer, lessee or lender for the entire building.
- Assembly Bill 531
 - Gives the Energy Commission the authority to establish a more reasonable schedule for building owners to begin disclosing the required benchmarking data and ratings. The revised draft regulations call for the implementation of the disclosure requirements in stages beginning on **January 1, 2011**.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Current Rulemaking Schedule

- Final Workshop Prior to Formal Rulemaking - May 17, 2010
- June
 - Submit NOPA - Office of Administrative Law – Issuance 45 day language
 - Submit Form 399 - Department of Finance
- August
 - All adoption materials ready
 - Negative Declaration ready
 - End 45 day public comment period
 - Start 15 day language
- September
 - Energy Commission Adoption of Regulations
 - Submit Final Statement of Reasons and Response to comments - Office of Administrative Law
- December
 - Submit adopted regulations - Secretary of State
- January 1, 2011 – Nonresidential Building Energy Performance Rating System regulations go into effect



Nonresidential Building Energy Performance Rating Disclosure Regulations

Revised Draft Regulations

- **Section 1682. Definitions**
- **Section 1683.**
 - **Creation of ENERGY STAR® Portfolio Manager Account**
 - **Utility Release of Data**
 - **Release of Data to Commission**
 - **Receipt of Statement of Energy Performance**
- **Section 1684. Disclosure of Statement of Energy Performance and California Energy Performance Disclosure Report**
- **Section 1685. Implementation Schedule for Disclosures**



Nonresidential Building Energy Performance Rating Disclosure Regulations

Section 1682. Definitions

- “Entire Building” means the portion of the building for which the owner possesses title.
- “Nonresidential Building” means a building of an occupancy type A, B, E, I-1, I-2, M, R1, S, and type U parking garages, as defined in the California Building Code, Title 24, Section 302 et seq. (2007).
- “Statement of Energy Performance” means the EPA statement of a building’s Energy Use Index, characteristics, contact information, and if available, the building’s Energy Performance Rating.



Nonresidential Building Energy Performance Rating Disclosure Regulations

- **Section 1682. Definitions**

- “California Energy Performance Disclosure Report”

- Means a Customized Report Format established by the Energy Commission which is available within the U.S. EPA Portfolio Manager. The Report shall contain all data necessary to generate a Portfolio Manager Energy Performance Rating, or if a Rating is not available, to generate a Portfolio Manager Energy Use Index. Report data shall include, but not be limited to:
 - the Portfolio Manager building Identification number;
 - facility name, address, and owner;
 - ending date of the 12-month reporting period;
 - date of the Report;
 - total floor space in square feet;
 - building characteristics as defined by Portfolio Manager by building type;
 - Portfolio Manager Energy Performance Rating, if available;
 - building Energy Use Index;
 - national average Energy Use Index for the Portfolio Manager building type;
 - all available energy use data applicable to the building, including but not limited to, electricity, natural gas, and renewable energy; and
 - site energy use in kBtus.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Section 1683. Creation of ENERGY STAR® Portfolio Manager Account; Utility Release of Data; Release of Data to Energy Commission; Receipt of Statement of Energy Performance

- At least 30 days before a disclosure is required, a building owner shall open an account at the U.S. EPA's ENERGY STAR® Portfolio Manager website, and in that account:
 - provide contact information;
 - identify the building and the Portfolio Manager building type;
 - identify all utility company meters and utility company accounts serving the building;
 - provide building characteristics specified by Portfolio Manager for the building type;
 - authorize all utility companies serving the building to release energy use data to the owner's Portfolio Manager account; and
 - request all utility companies serving the building to release all energy use data from the most recent 12 months to the owner's Portfolio Manager account.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Section 1683 - continued

- Within 15 days of receiving a request from a building owner to release energy use data to the U.S. EPA's Portfolio Manager, a utility company shall upload the entire building's energy use data to the building owner's Portfolio Manager account, subject to the following conditions:
 - a utility company shall release tenant energy use data to the building owner's Portfolio Manager account solely for the purpose of complying with Public Resources Code section 25402.10;
 - a building owner shall use and disclose tenant energy use data solely for the purpose of complying with Public Resources Code section 25402.10.
- After all utility companies serving a building have uploaded the building's energy use data, the building owner shall, in sufficient time to comply with the schedule specified in Section 1685, use the Portfolio Manager account to:
 - generate a Statement of Energy Performance for the building, and
 - generate an California Energy Performance Disclosure Report and electronically submit the Report to the Commission.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Section 1684. Disclosure of Statement of Energy Performance and California Energy Performance Disclosure Report

- A building owner shall disclose the U.S. EPA's Portfolio Manager's Statement of Energy Performance and the California Energy Performance Disclosure Report:
 - at or before the time the owner presents a sales contract to a prospective buyer;
 - at or before the time the owner presents a lease for the entire building to a prospective lessee; and
 - at or before the time the owner presents a loan application to finance the entire building to a prospective lender.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Section 1685. Implementation Schedule for Disclosures

- On and after January 1, 2011, a building owner shall disclose the Statement of Energy Performance and the California Energy Performance Disclosure Report for a nonresidential building that:
 - has a total floor space measuring 50,000 square feet or more, or
 - is solely occupied by the owner and has a total floor space measuring 1,000 square feet or more.
- On and after January 1, 2012, a building owner shall disclose
 - for a nonresidential building that has a total floor space measuring 10,000 to 50,000 square feet.
- On and after July 1, 2012, a building owner shall disclose
 - for a nonresidential building that has a total floor space measuring 1,000 to 10,000 square feet.



Nonresidential Building Energy Performance Rating Disclosure Regulations

Authority

- AB 1103/AB 531, codified at Pub. Res. Code § 25402.10
- General rulemaking to fulfill CEC statutes, §§ 25213, 25218(e)
- Data collection, §§ 25216.5(d), 25320
 - Serve as central repository for energy data
 - Collect from any source
 - Information developed for Integrated Energy Policy Reports



Nonresidential Building Energy Performance Rating Disclosure Regulations

Enforcement

- Civil suits related to general business practices, e.g. Bus. Code §§ 17200 et seq.
- Title 20 complaint and investigation procedures, Article 4, §§ 1230 et seq.
 - Anyone may file complaint
 - Commission procedure may include investigation, hearing
 - No fines under AB 1103
- Data collection civil penalties, Pub. Res. Code § 25321
 - Continued or willful violations



Nonresidential Building Energy Performance Rating Disclosure Regulations

Presentation of the EPA Energy Star Portfolio
Manager customized report created by the
Energy Commission



CALIFORNIA ENERGY COMMISSION

California Energy Performance Disclosure

In conformance with California Code of Regulations, Title 20, Article 9 (2010)



Design to be completed by EPA



CA rating produced by CEC using building data

Data from Portfolio Manager formatted here

Building Owner's Dated Signature

Building Information

Building Name: Grass Valley Office Center
Building Owner: Joe B. Owner
Address: 1234 Rolling Hills Rd.
City: Grass Valley
Zip Code: 95945
Building ID Code: 001234
Building Type: OFFICE
Gross Floor Space: 63,900 sq. ft.

Energy Use Index

Actual: 125 kBtu/sf-yr
Weather Normalized: 130 kBtu/sf-yr

Energy Use Information

Annual Electricity Usage: 1,328,818 kBtuh
Annual Natural Gas Usage: 591,760 kWh
Other Annual Energy Usage: None
Total Site Energy Usage: 3,347,902 kBtuh
Renewable Energy Production: None
Percent of Electricity from Renewables: 0%

The Energy Performance Ratings reported here were determined for this building based on recorded energy consumption, building floor area and the following default or actual building characteristics:

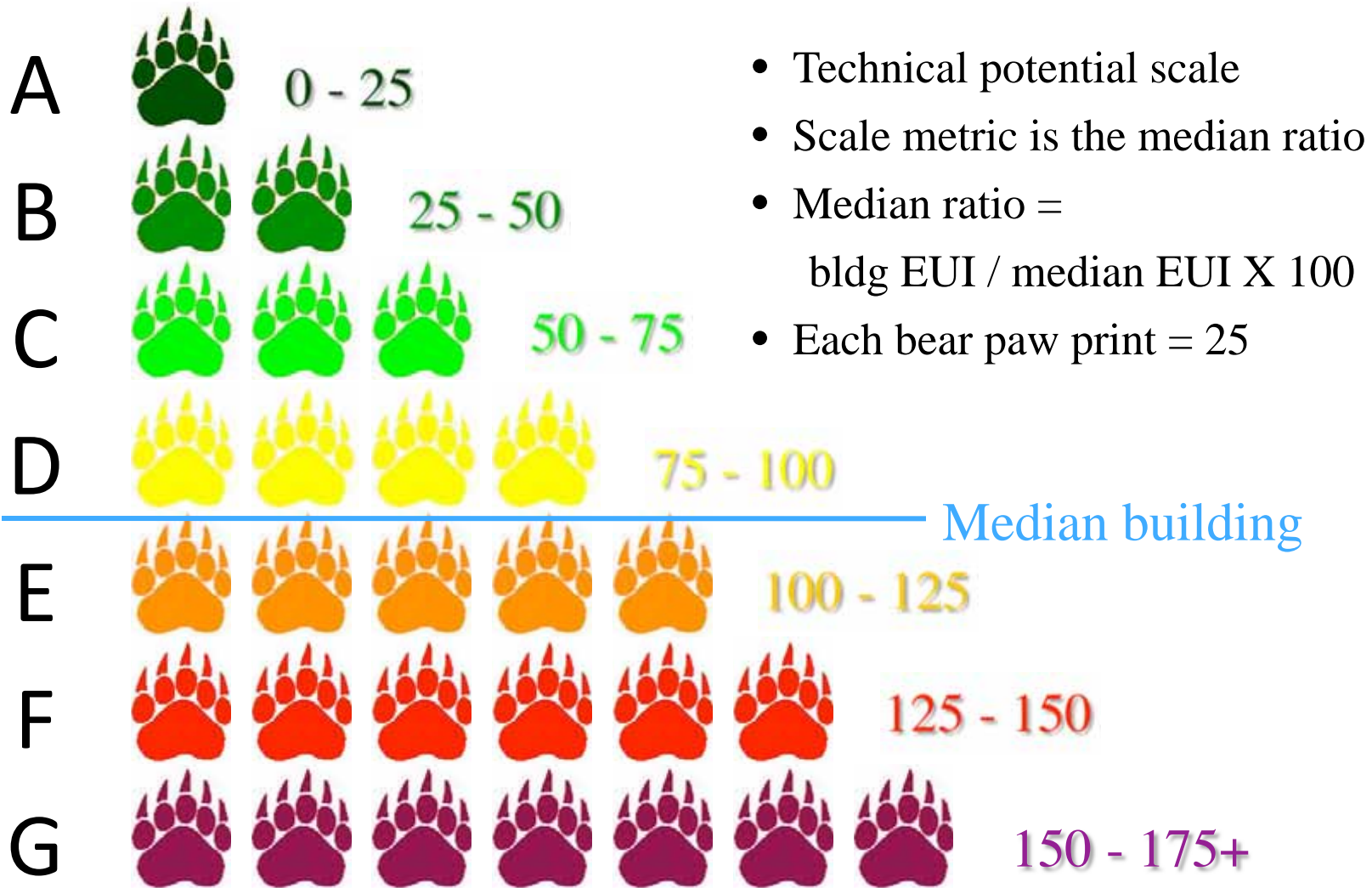
Default	Building Data	Building Characteristic
<input type="checkbox"/>	70	Weekly operating hours
<input type="checkbox"/>	450	Number of occupants
<input type="checkbox"/>	500	Number of computers
<input type="checkbox"/>	70	Percent floor area cooled
<input type="checkbox"/>	70	Percent floor area heated

Building Owner Verification

Date: _____ Signed: _____

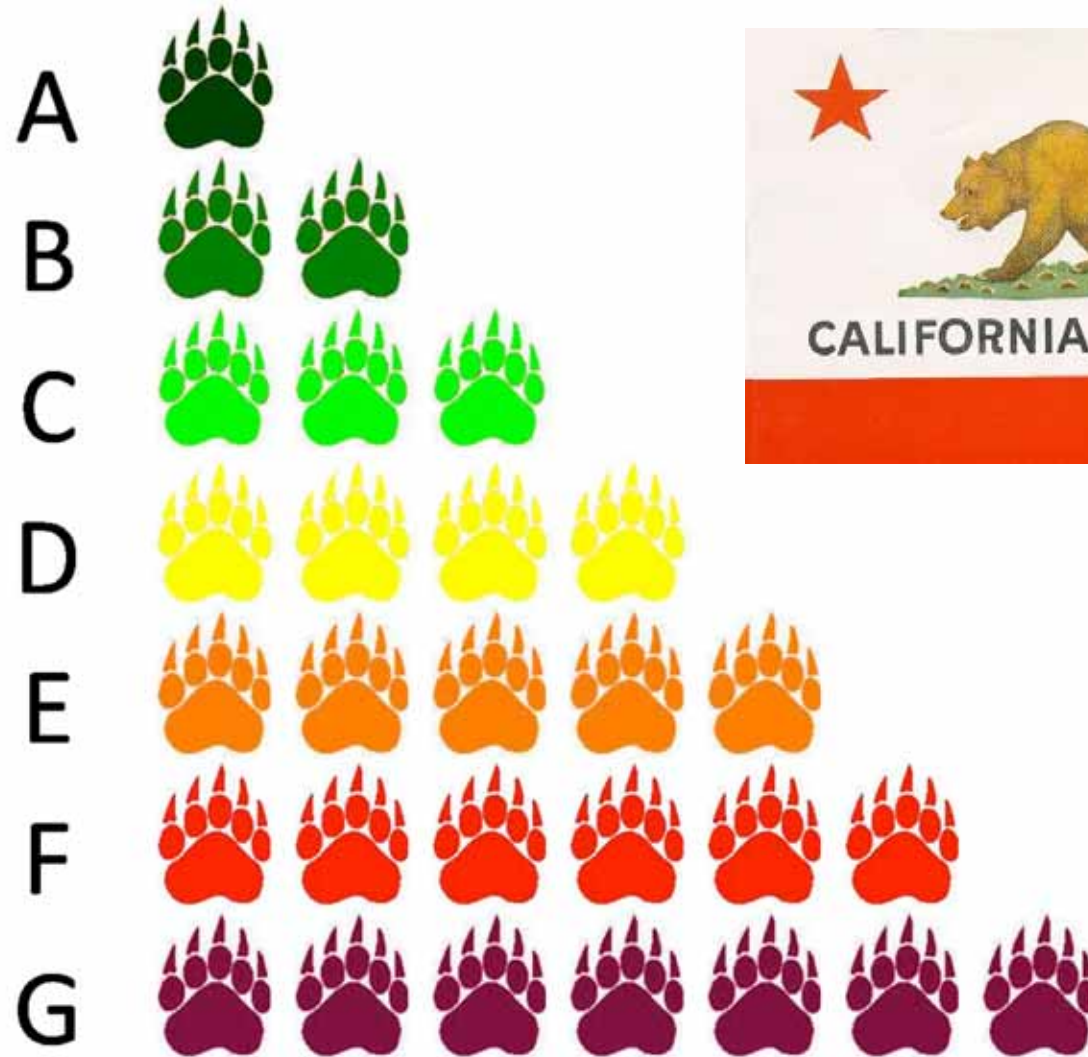


California Building Energy Performance Rating





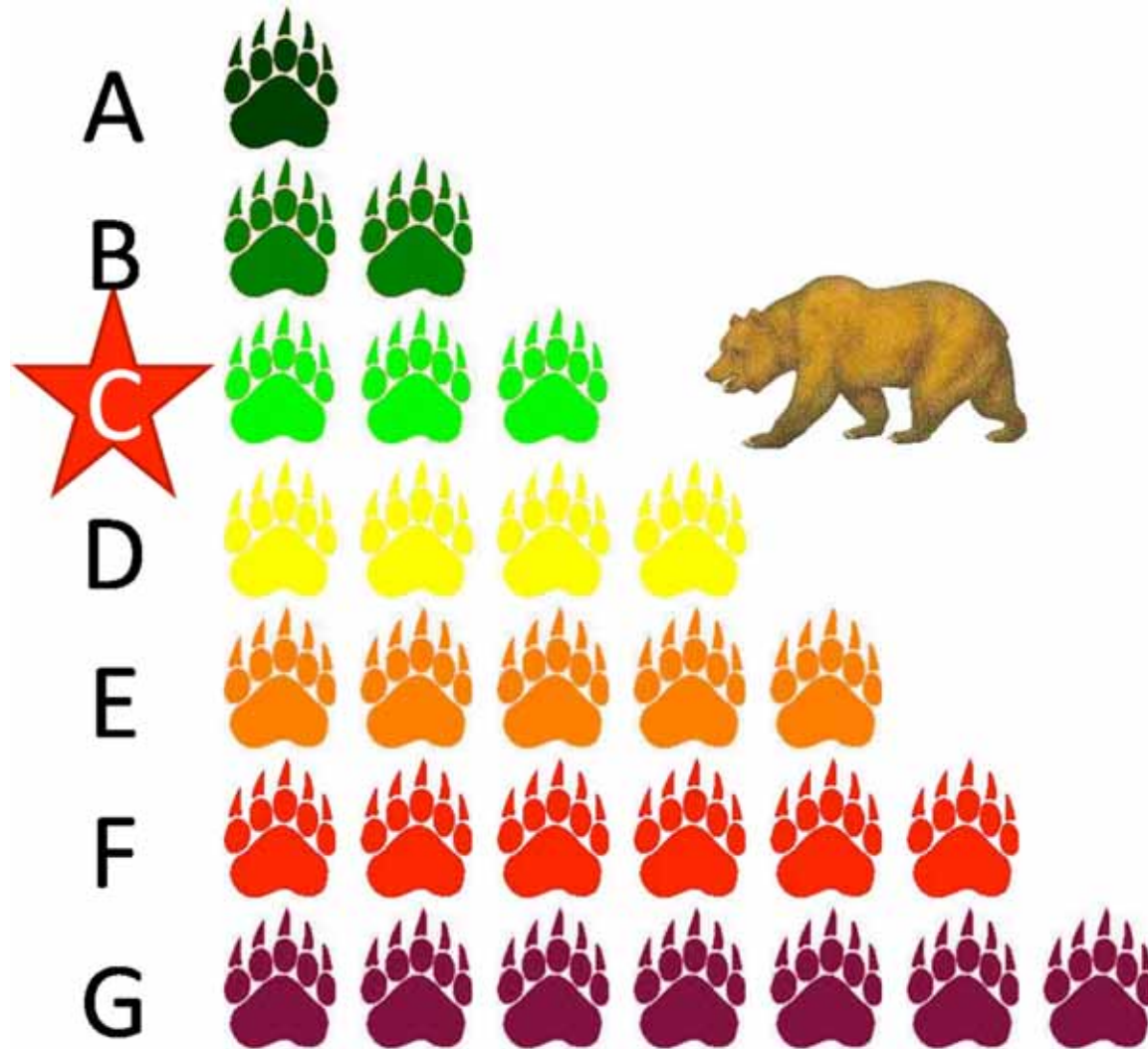
California Building Energy Performance Rating





CALIFORNIA ENERGY COMMISSION

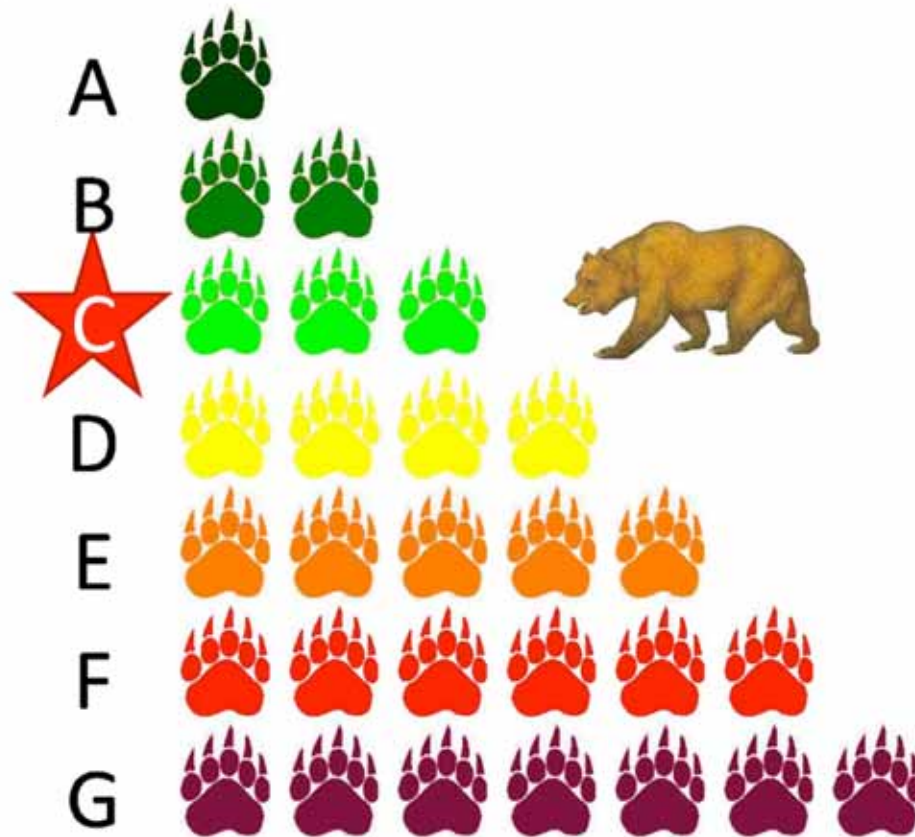
California Building Energy Performance Rating





California Building Energy Performance Rating

California Building Energy Performance Rating




Reduce your building energy paw print!



California Energy Performance Disclosure


California Energy Performance Disclosure
 In conformance with California Code of Regulations, Title 20, Article 9 (2010)

Portfolio Manager
Building Energy Rating



U.S. Environmental Protection Agency

California Building Energy Performance Rating



Reduce your building energy use per year!

Building Information
 Building Name: Grass Valley Office Center
 Building Owner: Joe B. Owner
 Address: 1234 Rolling Hills Rd.
 City: Grass Valley
 Zip Code: 95945
 Building ID Code: 001234
 Building Type: OFFICE
 Gross Floor Space: 63,900 sq. ft.

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 Annual Electricity Usage: 1,328,818 kBtuh
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 Total Site Energy Usage: 3,347,902 kBtuh
 Renewable Energy Production: None
 Percent of Electricity from Renewables: 0%

The Energy Performance Ratings reported here were determined for this building based on recorded energy consumption, building floor area and the following default or actual building characteristics:

Default	Building Data	Building Characteristic
<input type="checkbox"/>	70	Weekly operating hours
<input type="checkbox"/>	450	Number of occupants
<input type="checkbox"/>	500	Number of computers
<input type="checkbox"/>	70	Percent floor area cooled
<input type="checkbox"/>	70	Percent floor area heated

Building Owner Verification
 Date: _____ Signed: _____

Process Steps

- Building owner releases data to CEC through U.S. EPA Portfolio Manager reporting function
- Portfolio Manager emails building data to CEC
- CEC computes CA Rating
- CEC generates formatted report with building data
- CEC sends CA Energy Performance Disclosure report to building owner



Nonresidential Building
Energy Performance Rating
Disclosure Regulations

Questions
&
Answers