

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

In the matter of:

Nonresidential Building Energy Use Disclosure
Program

Docket No. 14-EUDP-EMY-01

RE: Emergency Regulations to
Amend Nonresidential Energy Use
Disclosure Program Compliance
Schedule

California Energy Commission

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JUL 21 2014

**COMMENTS OF THE NATURAL RESOURCES DEFENSE
COUNCIL IN THE MATTER OF THE NONRESIDENTIAL
BUILDING ENERGY USE DISCLOSURE PROGRAM**

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Dated: July 21, 2014

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I. INTRODUCTION

The Natural Resources Defense Council (NRDC) respectfully submits these comments on the *Nonresidential Building Energy Use Disclosure Program*. NRDC is a non-profit membership organization, representing nearly 80,000 California members with an interest in receiving affordable energy services and reducing the environmental impact of California's energy consumption.

California Public Resources Code Section 25402.10 requires building owners to maintain benchmarking information and disclose it in certain transactions. Commission Staff propose to modify existing regulations establishing the schedule for compliance with the Nonresidential Energy Use Disclosure Program (20 California Code Regulations Section 1680 et seq.) to postpone the date by which buildings of at least 5,000 square feet up to 10,000 square feet must comply with the program from July 1, 2014, to July 1, 2016.

The CEC Emergency Notice cited the compliance challenges faced by members of the commercial real estate industry, as evidenced by comments presented in the recent CEC workshops, which we take very seriously. It is our understanding that challenges are, by and large, faced by owners or operators of buildings with separately-metered spaces, where the owner is not able to obtain whole building information from the utility without processes that are very cumbersome and burdensome for all involved – owner, tenant, and utility. Additional

compliance challenges may be present for certain other specific building types (e.g., vacant buildings).

Many buildings are owner-occupied or master metered, including many buildings of 5,000 to 10,000 square feet. In these instances, the building owner has direct access to the whole-building usage information. We are not aware of substantial compliance problems in this class of buildings that merit an emergency delay.

We recommend the Commission consider a more narrowly-tailored solution that applies the delay to the specific building types subject to the pressing compliance challenges. For example, a delay for only building owners with separately metered spaces in their buildings may be possible.

In addition, we recommend the Commission calibrate the length of the delay to the expected solutions utilities might be able to implement if given greater clarity on the privacy issues raised in the CEC's concurrent proceeding. It may be that a shorter delay is appropriate and that utilities are able to implement solutions if provided with regulatory certainty to deliver whole building usage information to building owners.

NRDC respectfully requests that the Commission consider our recommendations.

Dated: July 21, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maria Stamas". The signature is fluid and cursive, with a long horizontal stroke at the end.

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