

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov



Staff Workshop on Revised Draft Regulations

AB 1103 Nonresidential Building Energy Performance Rating System

California Energy Commission staff will conduct a workshop to discuss the revised draft regulations for the implementation of the energy performance rating disclosure requirements for nonresidential buildings specified in Assembly Bill 1103 (Saldaña, Chapter 533, Statutes of 2007).

SEPTEMBER 12, 2011

1 p.m. to 4 p.m.

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street

First Floor, Hearing Room A

Sacramento, California

(Wheelchair Accessible)

Remote Attendance and Availability of Documents

Internet Webcast - Presentations and audio from the meeting will be broadcast via our WebEx web meeting service. For details on how to participate via WebEx, please see the "Remote Attendance" section toward the end of this notice.

Documents and presentations for this meeting will be available online at www.energy.ca.gov/ab1103/documents/index.html.

Purpose

At this workshop, staff will present and facilitate a discussion of:

- Revised draft regulations to implement the benchmarking and rating requirements for nonresidential buildings specified in AB 1103
- Approaches that will be used to generate the required disclosure

The revised draft regulations and the summary of approaches to generate the disclosure have been developed in advance of this workshop to provide a foundation for discussion. Comments, either in writing or at the workshop, will be used to improve the

revised draft regulations prior to entering into the formal rulemaking proceeding. For details about how to provide written comments, please see “Written Comments” section later in this Notice.

Background

AB 1103 established the following requirements in Public Resources Code Section 25420.10:

- On and after January 1, 2009, electric and gas utilities shall maintain records of the energy consumption data of all nonresidential buildings to which they provide service. This data shall be maintained, in a format compatible for uploading to the United States Environmental Protection Agency’s Energy Star Portfolio Manager, for at least the most recent 12 months.
- On and after January 1, 2009, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, an electric or gas utility shall upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency’s Energy Star Portfolio Manager in a manner that preserves the confidentiality of the customer.

Assembly Bill 531 (Saldaña, Chapter 323, Statutes of 2009) authorized the Energy Commission to establish a more reasonable schedule for building owners to begin disclosing the required benchmarking data and ratings. AB 531 added the following to Public Resources Code Section 25420.10:

- Based on a schedule developed by the commission pursuant to paragraph (2) an owner or operator of a nonresidential building shall disclose the United States Environmental Protection Agency’s ENERGY STAR Portfolio Manager benchmarking data and ratings for the most recent 12-month period to a prospective buyer, lessee of the entire building, or lender that would finance the entire building.
- If the data is delivered to a prospective buyer, lessee, or lender, a property owner, operator, or his or her agent is not required to provide additional information, and the information shall be deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States Environmental Protection Agency’s ENERGY STAR Portfolio Manager benchmarking data and ratings for the most recent 12-month period for the building that is being sold, leased, financed, or refinanced.

The revised draft regulations call for the implementation of the disclosure requirements in stages beginning on July 1, 2012.

In January, 2009, the Energy Commission’s Efficiency Committee requested that a working group of affected stakeholders be established to provide advice to staff in drafting a set of rules for the implementation of AB 1103. The Efficiency Committee held workshops on August 13, 2009 and on May 17, 2010 to receive public input on initial drafts of regulations. Since those workshops, staff has concluded its meetings with the

Working Group, and has developed revised draft regulations to respond to comments received from the Working Group and from the participants of past workshops. This staff workshop is intended to be an opportunity for the public to provide comment on the revised draft regulations prior to the Energy Commission beginning a formal rulemaking proceeding.

Written Comments

Staff will be posting the revised draft regulations and summary of approaches to generate the disclosure on the following website (www.energy.ca.gov/ab1103) in advance of the workshop. Participants in the workshop will be able to review the revised draft regulations and summary of approaches to generate the disclosure once they are posted. Workshop participants are requested to provide written comments on these draft documents in advance of the workshop.

Written comments on the draft regulations and summary of approaches to generate the disclosure are requested to be submitted by 5:00 p.m. on September 16, 2011. Please include the docket number 9-AB 1103-01 and indicate "AB1103 Pre-Rulemaking Proceeding" in the subject line or first paragraph of your comments. All written materials relating to this workshop must be filed with the Dockets Office and become part of the public record of this proceeding:

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 10-AB 1103-01
1516 Ninth Street
Sacramento, CA 95814-5512

The Energy Commission encourages comments by e-mail. Please include your organization's name or if you are an individual, your name, in the name of the file, and indicate the docket number 9-AB 1103-01 in the subject line and body of the email. Those submitting comments by electronic mail should provide them in either Microsoft Word format or Portable Document Format (PDF) to docket@energy.state.ca.us. One paper copy must also be sent to the Energy Commission's Docket Unit at the above address.

Public Participation

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

Please direct all news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.state.ca.us.

If you have questions on the technical subject matter of this workshop, please call Justin Regnier, High Performance Buildings and Standards Development Office, at (916) 654-4196 or by e-mail at jregnier@energy.state.ca.us.

Remote Attendance

You can participate in this meeting through WebEx, the Energy Commission's online meeting service. Presentations will appear on your computer screen, and you listen to the audio via your telephone. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

Participation through WebEx, the Energy Commission's on-line meeting service, includes the following alternatives:

1. Computer Logon with a Direct Phone Number:
 - Please go to <https://energy.webex.com> and enter the unique meeting number: **924 444 031**
 - When prompted, enter your information and the following meeting password: **cec@1516**. After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.
2. Computer Logon for Callers with an Extension Phone Number, etc.:
 - Please go to <https://energy.webex.com> and enter the unique meeting number: **924 444 031**
 - When prompted, enter your information and the following meeting password: **cec@1516**
 - After you login, a prompt will ask for your phone number. **CLICK CANCEL.**
 - Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).
3. Telephone Only (No Computer Access):

Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

Mail Lists: Efficiency list serve, 1103 list serve