

Memorandum

To: ROBERT OGLESBY
Executive Director

Date: October 17, 2012

Telephone: (916) 654-5013

From: **California Energy Commission** – Dave Ashuckian, Deputy Director
1516 Ninth Street
Sacramento CA 95814-5512
Efficiency and Renewable Energy Division

Subject: **POSSIBLE APPROVAL OF REQUEST TO INITIATE ORDER TO INSTITUTE INFORMATIONAL PROCEEDING RELATING TO PROVIDER QUALITY ASSURANCE PROGRAM AND PROVIDER-RATER RELATIONS IN HOME ENERGY RATING SYSTEM (HERS) PROGRAM REGULATIONS**

Summary of Item

On May 11, 2012, the Commission considered a complaint about the oversight that CalCERTS, Inc., one of the Commission-certified HERS Providers, had exercised over Raters it had certified (Complaint Against and Request For Investigation Of CalCERTS, Inc., Docket # 12-CAI-01). The assigned Committee determined CalCERTS complied with applicable HERS Program requirements in decertifying raters, that CalCERTS' action to decertify raters were those of a private entity with no constitutional obligation to provide procedural due process, and the decertification of raters that led to the complaint was not to be reversed.

However, the assigned Committee also found there are potential deficiencies in the disciplinary and decertification processes and raised concerns on the general matters involving Provider-Rater relations. In its Decision, the assigned Committee directed staff to pursue a proceeding to collect facts for refining the provisions in the HERS regulations governing Provider quality assurance program and Provider-Rater relations including:

- Provider Quality Assurance Program requirements ;
- De-certification and discipline actions by Providers;
- HERS Rater Companies; and
- Conflicts of interest.

Staff Contact

Jenny Wu

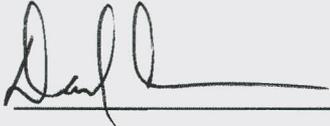
Summary of Staff Position

Staff is carrying forward Commission's order pursuant to Complaint Against and Request For Investigation Of CalCERTS, Inc. (Docket # 12-CAI-01).

Business Meeting Participants
Building Standards Implementation Office
Legal Office

Commission Action Requested

Approve the request to initiate and open a docket for the Order Instituting Informational Process on provisions in HERS regulations relating to Provider Quality Assurance program and Provider-Rater relations.



Dave Ashuckian, Deputy Director
Efficiency and Renewable Energy Division