

Commissioners Present (*Via Phone)

Robert B. Weisenmiller, Chair
Karen Douglas
Andrew McAllister
David Hochschild
Janea Scott

Staff Present:

Rob Oglesby, Executive Director
Pippin Brehler, Senior Staff Counsel
Jeffrey Ogata, Assistant Chief Counsel
and Technical Staff, Biology and Air Quality
Blake Roberts, Public Advisor
*Martha Brook, Lead Senior Mechanical Engineer,
Development of Compliance Software
Dave Ashuckian, Deputy Director, Efficiency Division
Harriet Kallemeyn, Secretariat

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Joan Walter	3
Craig Hoellwarth	5 and 6
Gina Barkalow	7
Simone Brant	8
Thanh Lopez	9
Thanh Lopez	10

Others Present (* Via WebEx/Phone)

Mike Gabel
Patrick Splitt, App-Tech, Inc.
*George Nesbitt
Catherine Kniazewycz, Director of Architecture,
University of California, Office of the President
Ted Tiffany
Roger Hedrick, Architectural Energy Corporation
Dimitri Contoyannis, Architectural Energy Corporation

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P R O C E E D I N G S

NOVEMBER 14, 2013 10:07 a.m.

CHAIRMAN WEISENMILLER: Good morning. Let's start the Business Meeting with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited in unison.)

CHAIRMAN WEISENMILLER: Good morning. Items 2 and 4 will be held for a future Business Meeting. So let's turn to the Consent Calendar. I believe Commissioner McAllister has a notice.

COMMISSIONER MCALLISTER: So I just wanted to disclose on Items 1c and e, and Item 8, my spouse's affiliation with the University of California. I'm not recusing myself because there is no conflict, but just by way of disclosure. So thank you.

COMMISSIONER DOUGLAS: I'll just add to that because I'm getting ready to teach a course at King Hall in Renewable Energy Law, which is where Andrew's spouse also works, King Hall is not involved in any of these contracts, so I'm not recusing myself either, but I am disclosing that.

CHAIRMAN WEISENMILLER: Okay. So thank both of you. Let's go to the Consent Calendar.

COMMISSIONER MCALLISTER: I'll move Consent.

COMMISSIONER DOUGLAS: Second.

1 CHAIRMAN WEISENMILLER: All those in favor?

2 (Ayes.) The Consent Calendar passes
3 unanimately.

4 As indicated, Item 2 is held, so let's go to
5 Item 3, California Public Utilities Commission. Possible
6 approval of Amendment 1 to Contract RMB 150-11-02, this
7 is ERPA funding. Joan Walter, please.

8 MS. WALTER: Thank you. Good morning, Chair
9 Weisenmiller and Commissioners. Item 3 before you for
10 consideration is an amendment to an existing Interagency
11 Agreement between the California Public Utilities
12 Commission and four other State agencies that participate
13 in the review of PG&E's seismic studies for Diablo Canyon
14 Power Plant.

15 In 2012, the PUC established this multi-agency
16 panel of seismic hazard specialists to provide
17 independent review of PG&E's plans and analyses for
18 Diablo Canyon as required by Assembly Bill 1632.

19 State agencies participating in the Independent
20 Peer Review Panel, or IPRP, include the Public Utilities
21 Commission, the California Energy Commission, the
22 California Geological Survey, the Seismic Safety
23 Commission, and the California Coastal Commission. Each
24 of these State agencies is reimbursed for varying levels
25 of participation through the Interagency Agreement

1 approved in 2011, with the original term scheduled to end
2 November 30th of 2013, which is at the end of this month.

3 Last March, PG&E submitted to the PUC a Status
4 Report and revised schedule for the seismic studies
5 showing that the work would extend into June of 2014. As
6 a result, the PUC has initiated this amendment, adding
7 additional funding of \$10,000 to provide for continued
8 participation by the Energy Commission staff in the IPRP,
9 and to extend the term of the original agreement to
10 November 30, 2015. The extended term gives PG&E
11 additional time to complete the seismic work that's
12 underway, as well as providing the IPRP additional time
13 to review PG&E's work once it is completed.

14 The PUC's 2012 Decision authorizes the
15 additional funding for this amendment which is only used
16 to reimburse the Energy Commission for staff travel and
17 other expenses associated with participating in the IPRP.
18 And I would be happy to answer any questions you may
19 have.

20 CHAIRMAN WEISENMILLER: Thank you.
21 Commissioners, any questions or comments? I was going to
22 say as the State's liaison to the NRC, certainly lead
23 commissioner on nuclear and we've reviewed this contract
24 and it's important for us to stay involved in this issue,
25 given the public's concerns on seismic issues at Diablo

1 Canyon. So with that, do I have a motion?

2 COMMISSIONER MCALLISTER: I move Item 3.

3 COMMISSIONER SCOTT: Second.

4 CHAIRMAN WEISENMILLER: All those in favor?

5 (Ayes.) This item passes unanimously. Thank
6 you.

7 MS. WALTER: Thank you.

8 CHAIRMAN WEISENMILLER: So again, Item 4 is
9 held today, so let's go on to Item 5. 2013 Public Domain
10 Residential Compliance Software. Craig Hoellwarth, why
11 don't you go forward and speak?

12 MR. HOELLWARTH: Mr. Chairman, Commissioners,
13 I'm Craig Hoellwarth, Supervisor of High Performance
14 Buildings in the Building Standards Office of the Energy
15 Commission.

16 I'm here to request approval of two consecutive
17 items on the agenda, Items 5 and 6. They both deal with
18 compliance software for the 2013 Building Energy
19 Efficiency Standards. Dave Ashuckian, Deputy Director of
20 the Efficiency Division, is here with me, and Martha
21 Brook, the Lead Senior Mechanical Engineer for
22 development of the compliance software, is available
23 through our WebEx connection to answer any questions you
24 and others may have. We will take each item separately.

25 The first item is Item 5. In Item 5, we are

1 requesting approval of CBECC-Res Version 1c as the 2013
2 Public Domain Residential Compliance software. CBECC-Res
3 Version 1c can be used to complete the performance
4 compliance approach for the 2013 Standards for newly
5 constructed residential buildings. Updates from Version
6 1, which were approved in September, include the
7 following: security features such as the Software
8 Certification is checked before Compliance Reports are
9 generated; improved air trapping; improved Compliance
10 Reports; fixes for bugs identified in Version 1.

11 With approval of this item, CBECC-Res Version
12 1, will be decertified and CBECC-Res Version 1c will be
13 certified for implementing the performance compliance
14 approach for the 2013 Residential Standards. We request
15 approval of Item 5 and the resolution approving it. Are
16 there any questions?

17 CHAIRMAN WEISENMILLER: Thanks. I think we
18 have some public comment in this area, so let's take the
19 public comment and then see if there are Commissioner
20 questions or comments. Let's start with Mike Gabel.

21 MR. GABEL: Thank you and good morning,
22 Commissioners. We are less than seven weeks before the
23 2013 Standards take effect, yet CBECC-Res 1c is still
24 missing key features that should make it ineligible for
25 approval today. It cannot model existing additional

1 alteration performance method used frequently for
2 residential additions and alterations, it cannot model
3 exterior walls other than wood frames such as concrete
4 walls, concrete masonry, metal frame, or other wall
5 types, 3) it cannot model some standard mechanical
6 systems such as boiler heating, large package air-
7 conditioners, room air-conditioners, and some wall
8 heaters and, of course, 4) it does not print out a
9 Certificate of Compliance that includes these missing
10 features. Staff will likely explain that these flawed or
11 missing residential software features will be corrected
12 by mid-December.

13 I'm here to say that it's too late in the game
14 for that promise to pull itself a rabbit out of the hat
15 now. How can the Commission approve this version of
16 CBECC-Res when it doesn't meet the requirements of the
17 2013 Residential ACM Manual? It makes no sense and does
18 not support effective standards implementation.
19 Unfortunately, it is consistent with the language in the
20 Standards, Section 10109(c)(1) and (c)(2), which make
21 clear that the CEC's public domain programs need not meet
22 the same specifications as private domain compliance
23 software applying for CEC approval. It may well be
24 legal, but it's very poor public policy. It does not
25 ensure that generally only crucial real world criteria

1 for implementing performance standards are met. These
2 include that compliance software be flexible enough to
3 model accurately the full diversity of building designs,
4 components, and systems across a broad range of permit
5 scenarios, 2) that the average experienced professional
6 will find the software to be reasonably usable, and
7 capable of efficient data input and overall workflow
8 productivity, and 3) that the software be completed,
9 tested and approved five or six months before new
10 standard take effect. People need time to learn and gain
11 familiarity with the software.

12 Instead of acknowledging honestly the current
13 software problems and implications for barreling ahead
14 without resolving these problems first, the Commission is
15 playing hide the ball and not facing its larger
16 responsibility to facilitate and support workable
17 standards. I urge the Commission today to delay the
18 residential standards just long enough to ensure the
19 completion of CBECC-Res and the verifications through
20 independent testing that it meets all the requirements of
21 the Residential ACM Manual. It's the only sensible
22 approach and the right thing to do. Thanks for the
23 opportunity to speak to this issue.

24 CHAIRMAN WEISENMILLER: Thank you. Thanks for
25 being here. Patrick Splitt.

1 MR. SPLITT: Hello Commissioners and everybody
2 else. My name is Pat Splitt from App-Tech in Santa Cruz.
3 I just had a question before we can go on, I had some
4 items I wanted to bring up with regard to Item 4, and one
5 of them is something I discovered that I think I'd rather
6 let you know now instead of waiting a month. Could I
7 just take 30 seconds to mention?

8 CHAIRMAN WEISENMILLER: Well, I believe you --
9 we have a time limit now, I believe you signed up for
10 public comment at the end and so it might be best to do
11 it then.

12 MR. SPLITT: All right, thank you. Okay, so
13 for Item 5, first of all, I want to say that, for both
14 items 5 and 6, I don't think you can take any action
15 today because there's been nothing in regards to back-up
16 materials listed in regards to the agenda, so there was
17 no previous notices as to what exactly was being proposed
18 and what the rationalization for proposing and accepting
19 it is. So I think there had to be backup materials and
20 there weren't any posted.

21 For both items 5 and 6, Public Resources Code
22 Section 25402.1(a) requires the public domain program to
23 estimate the energy consumption of proposed residential
24 and nonresidential buildings. This does not, however,
25 have anything to do with setting the energy budget that

1 determines whether the proposed building meets the
2 performance minimums. Public Resources Code Section
3 25402(b)(1) requires the Commission to prescribe a
4 performance standard promulgated in terms of energy
5 consumption per gross square foot of floor space, the
6 performance energy budget. This section does not require
7 development of a computer program to generate this
8 budget, but this is where you have to agree for a budget.

9 I've not found any place in the record of the
10 Commission ever adopting any energy budget goal for use
11 in the performance method for compliance for the 2013
12 Energy Code pursuant to Section 25402(b)(1). Section
13 25402.1(e)(5) requires development of a manual with
14 instructions for the use of the public domain computer
15 programs. Public Resources Code Section 25402(a)(1)
16 requires that the Commission certify these manuals for
17 operation of the software at least six months prior to
18 the Standards going into effect. So I don't even think
19 they're to a standard now, especially for the Nonres
20 program, that you could say we have instructions on how
21 to adequately model them, and it certainly isn't going to
22 be on board six months before the Standards go into
23 effect.

24 Also, CF1R Compliance Report cannot now be used
25 for the 2013 Standards until the HERS Registry process is

1 complete. So again, how can the CEC certify a program
2 that cannot be used for compliance? My main point here
3 is there's been confusion about when the Commission talks
4 about CBECC-Res, whether they're talking about the public
5 domain compliance program that is used for modeling a
6 building to estimate the energy use of the building, or
7 the compliance manager, which is also referenced as
8 CBECC-Res, but as a totally different use, which is to
9 set the budget. And I don't see anywhere where you've
10 followed the Warren-Alquist Act and accurately approved a
11 message to set the new budget. The old method was part
12 of the compliance or public domain software that you've
13 thrown away; so you have to replace it with something,
14 and I don't think you've done that.

15 CHAIRMAN WEISENMILLER: Okay, thank you. We
16 have a caller on the phone, George Nesbitt, and then
17 we'll turn to our Chief Counsel's Office to deal with the
18 legal issues you raised. George, do you want to go?

19 MR. NESBITT: Can you hear me?

20 CHAIRMAN WEISENMILLER: Yes.

21 MR. NESBITT: Yes, George Nesbitt, HERS Rater,
22 Energy Consultant, Building Performance Contractor. I
23 have supported the concept of the public domain
24 calculation engine from the start while there were others
25 in the industry who wanted everyone to have to develop

1 their own calculation engine. And unfortunately in the
2 past, what that has led to is multiple softwares that
3 come up with vastly different answers. I have been
4 reviewing the CEBCC-Res since late May, I have found it
5 to be easy to use, user friendly, well structured, I
6 think a lot because of Ken Nittler's work on it. My
7 biggest complaint is that it calculates very slowly. I
8 think we're getting over-complicated with the
9 calculations and I'm not necessarily sure we're going to
10 be getting better answers. On my fast computer, it takes
11 from like two to six minutes, and on my slow computer,
12 it's like 10 minutes. That does make it very hard to use
13 effectively. And, yes, we are still waiting to see
14 existing alternations and additions implemented and
15 whatnot features, but, you know, I think we're going to
16 have problems if we keep delaying Codes and whatnot. So
17 if there's anything I can do to help review it, get it
18 out the door, get it working, I'd be more than happy to.

19 CHAIRMAN WEISENMILLER: Okay. Thank you.
20 Jeff, do you want to talk about the legal issues that
21 were raised?

22 MR. OGATA: Thank you, Chair Weisenmiller. I
23 will leave the issues about compliance with the Code to
24 staff counsel, Pippin Brehler, since he's the staff
25 counsel assigned to this particular project. With

1 respect to the issue of backup materials, I don't believe
2 that it's a requirement that backup materials be
3 presented. I think the Commission can act upon the
4 information presented to them here at this hearing, so to
5 the extent that you need information, you have staff
6 available to give you that information, then certainly
7 the item has been noticed properly and so the public is
8 aware of what this item is about. It would be more
9 convenient, obviously, if there was more information
10 available, but I don't think that's a requirement to
11 actually be available to the public as long as all this
12 discussion you have here in public is done.

13 CHAIRMAN WEISENMILLER: Thank you.

14 MR. BREHLER: Good morning, Commissioners.
15 Pippin Brehler, Senior Attorney with the Energy
16 Commission. And I would just add to Mr. Ogata's comment
17 that the software is also available on the Energy
18 Commission's website in terms of noticing it and being
19 available for the Business Meeting.

20 Turning to Mr. Splitt's other comments, you may
21 recall that, I believe it was at the July Business
22 Meeting, that the Compliance Manuals that are required by
23 Section 25402.1 were approved by the Energy Commission I
24 believe at the July Business Meeting, and those manuals
25 contain almost everything that is required. Section

1 (e)(5) does require that those manuals include
2 instructions and those instructions have been made
3 available with the software as the software has been
4 issued. The statute doesn't require complete perfect
5 compliance with those requirements in terms of the
6 instructions being in that document. We believe that we
7 substantially complied with that requirement when those
8 were issued.

9 As far as the performance-based requirements in
10 25402(b)(1), the Standards do include a performance-based
11 requirement calculated in terms of energy per square
12 foot. It doesn't require that the software be in place
13 to comply with those standards.

14 Mr. Splitt was nice enough to provide written
15 comments that I will review here to make sure that I'm
16 hitting all of his points. The last point that Mr.
17 Splitt made about the software issue and the CF1R
18 Compliance Report, this is similar to Mr. Gabel's
19 comment, the software does provide quite a bit of the
20 required forms. We've acknowledged that it's not
21 complete in terms of every aspect of it, but it does
22 perform most of the functions that are required.

23 CHAIRMAN WEISENMILLER: Okay. Let's turn to
24 either Mr. Ashuckian, Mr. Hoellwarth, or Martha Brook to
25 respond to the technical issues that have been raised by

1 the two parties, particularly Mr. Gabel.

2 MR. HOELLWARTH: Well, I think we have Martha
3 on the line right now, so I'll try to take a couple of
4 the points. Martha, are you on the line? Can we hear
5 from you on these items?

6 MS. BROOK: This is Martha Brook. Can you hear
7 me?

8 MR. HOELLWARTH: Yes.

9 MS. BROOK: Okay. So I think we've been very
10 clear about the functionality of the software since it
11 was released as a Beta product back in July, and back in
12 September we talked about the plans for more and more
13 features every month, and I think that we're here today
14 to approve a version of the software that does have
15 additional functionality. Mike Gabel is correct that it
16 doesn't do additions and alterations. We expect that
17 that will come back for your approval at the December
18 Business Meeting. We also, just for background, spent
19 quite a bit of time with Mike Gabel during the 2013
20 Standards Regulatory Proceeding to make sure that
21 additions and alterations could comply prescriptively
22 more often. So basically in the past people were forced
23 to use the compliance software for additions and
24 alterations projects when they may or may not have wanted
25 to do that because the prescriptive requirements were

1 very limiting and constrained until we opened that up and
2 made it much more reasonable for somebody who was making
3 a simple alteration to his home, to not require the use
4 of compliance software.

5 So we expect more people to comply
6 prescriptively for alternation projects, but we also are
7 working with and might be able implement these modified
8 requirements for buildings that go through an alterations
9 performance compliance approach, and we're implementing
10 those rules now in the software and testing them, and
11 they'll be ready in December.

12 In regards to additional material, those are
13 certainly things that we can add readily into the
14 software and are planning to do that. We spoke of the
15 first version of the software on production home building
16 and the typical construction processes that are used for
17 production home building. And you know, Dave and Eurlyne
18 Geiszler could speak to the fact that we have actually
19 been working with production builders in the past few
20 months to get their buildings approved, not just
21 compliance with the standards, but that they're
22 significantly above the standards, and so that new
23 production homes being planned around the state do have
24 the tools that they need to comply with the Standards and
25 prove that they're actually exceeding the standards as

1 they've been adopted by the Commission.

2 I can answer any questions that you have.

3 CHAIRMAN WEISENMILLER: Thank you.

4 Commissioners, any questions or comments?

5 COMMISSIONER MCALLISTER: It might be helpful
6 to hear from Dave and Craig about the issues that Martha
7 refers to, but I wanted to ask -- Martha, so definitely,
8 I mean, we've heard in the past from the building
9 industry that prescriptive packages or sort of more
10 accessible prescriptive approach would be helpful to have
11 and, you know, you indicated that you've been working on
12 that, and I know I get -- just for everybody's benefit
13 here on the dais -- I get regular briefings about the
14 progress here and I know that staff has really turned
15 itself inside out to move, to make progress on this, and
16 we very much appreciate that. At the same time, we
17 really are between a rock and a hard place, and I think
18 we all also acknowledge that. So this is a big lift.
19 And that's actually the reason why we are here at a
20 Business Meeting, at each Business Meeting, to get
21 updates because it's important that we be accountable in
22 a public way at a Business Meeting in front of the
23 Commissioners on what's going on. And so I think the
24 fact that we hear frustration each month is just a result
25 of the fact that we really are all on the rivet.

1 Martha, if I can get a sense of what you
2 believe the scale of the gap is with respect to coverage
3 of the various tools that we do have available, you know,
4 what number of houses or applications do you think are
5 going to really need hand holding by the Commission, are
6 not going to sort of get the love in the near term in
7 terms of available tools to get what they need done?

8 CHAIRMAN WEISENMILLER: Now, just for
9 clarification, there's been a little bit of cross - we're
10 now dealing with residential, we'll deal with
11 nonresidential in the next --

12 COMMISSIONER MCALLISTER: No, I'm talking about
13 the --

14 CHAIRMAN WEISENMILLER: So here, Martha's
15 comment is just on residential.

16 COMMISSIONER MCALLISTER: That's correct, so
17 I'm asking, you know, to the extent there is alterations,
18 for example, what's the volume of alterations that you
19 expect to come through? And how will those get through
20 the process, I guess is my question.

21 MS. BROOK: Okay, well, so for alterations, to
22 be honest with you, they're not at the production scale,
23 they're individual projects that homeowners complete with
24 a set of contractors to get their homes transformed the
25 way that they want to be. And we expect the majority of

1 those to go through the prescriptive approach, I mean, a
2 lot of alterations are single scope, so they replace an
3 HVAC unit, or they change some envelope features, and
4 only if they really need to do some extensive tradeoffs
5 between the existing conditions and a new piece of their
6 home, and an altered piece of their home, that they need
7 to use the compliance approach. And by January 1, that
8 will be complete and functional and approved by you in
9 the middle of December, and hopefully also we completely
10 expect that EnergyPro, the private vendor tool that has
11 been used by a large part of the residential compliance
12 market, will also be approved in December. And because
13 EnergyPro is using our compliance manager, they will also
14 have the ability to do compliance calculations for
15 alterations once it's approved in December.

16 In terms of HVAC systems or envelopes,
17 assembling construction types, again, we think that all
18 new production homes can use the tool and we think we've
19 been asking people to prioritize their needs and we've
20 been meeting with them based on those priorities that we
21 hear from the market. And so we do expect that we'll be
22 able to - it will be a very very very small component of
23 the marketplace that needs any kind of exceptional design
24 analysis for a residential structure. We think that the
25 combination on prescriptive compliance and performance

1 compliance will meet the needs of the vast majority of
2 people that need permitting in 2014.

3 COMMISSIONER MCALLISTER: Okay, so thanks for
4 that context. I mean, I'm asking because I want to make
5 sure that we're clear that we're covering the vast
6 majority of the marketplace and that, on the other side
7 of this, if there are needs, sort of custom needs, one-
8 off needs that are gaps in coverage of new Code as we
9 transition to the new tools and put the new Standards
10 fully in place, that those gaps are actually covered and
11 we have the resources to do that. It sounds like you're
12 saying that very little, if any of that, will bubble up
13 to the Commission itself, and that the conditions in the
14 marketplace ought to be able to handle it.

15 MS. BROOK: That's right. And we have, Pat, in
16 the regulations for a long time, this exceptional design
17 process which will speak in probably more detail in the
18 next item, but we always do have the ability, for
19 example, if somebody wants to build an all-glass house,
20 you know, they're not going to necessarily be able to do
21 that either prescriptively or with the performance
22 compliance approach based on the rules of the ACM
23 Reference Manual. But if they're doing other exceptional
24 things that somehow we aren't treating correctly -- or
25 not correctly, but at all -- in the performance

1 compliance approach, that's when we actually spend time
2 with the client and go through their design and basically
3 tell them what they will need to do to meet the Code if
4 they want to do something exceptional that's not covered
5 in the performance compliance approach.

6 MR. HOELLWARTH: Let me add, too, that from a
7 staff point of view, all along we've been answering
8 questions through the hotline on the Standards, they've
9 been out there now for some time, and our staff has been
10 answering direct questions from potential users and
11 users, and we're handling that flow of questions right
12 now, and I just wanted to make sure you understand that
13 we're committed as a staff to make sure we answer the
14 questions as they come up. We've really looked at all
15 the possibilities from a prioritization point of view,
16 we're taking the most important ones first and we're
17 working ourselves down the line, and we expect to have
18 basic full functionality somewhere down the road very
19 soon. But we have identified right here in the
20 residential piece the things that we have improved
21 already since September, what we expect to do in
22 December, and we're committed to make sure that it works
23 going forward.

24 COMMISSIONER MCALLISTER: Do you have anything
25 to add, Dave?

1 MR. ASHUCKIAN: I just wanted to add that at
2 the last Business Meeting we offered to provide support
3 for any builders who are having issues, and we actually
4 have had I think one builder, Elliott Homes, take us up
5 on that and we have worked with them and the building
6 officials to make sure that their project has not been
7 held up by the lack of the support that the software
8 offers. And we continue to extend that offer for both
9 residential and nonresidential. We have set up a work
10 authorization to provide additional support needed to
11 support builders, again as we just heard, you know, we're
12 working as diligently as possible to get all the
13 functionality up there quickly. On the residential side,
14 we think we will be there by the next Business Meeting in
15 December. And again, there's always the possibility of
16 some particular design that isn't going to be in the
17 software and that's where we will provide additional
18 support ongoing for those, as well.

19 COMMISSIONER MCALLISTER: Great. Thanks. So I
20 just want to add a couple of things. There's no doubt
21 that the vision we're pursuing here is the right vision,
22 which is updated tools, open source, collaborative
23 processes that give everybody confidence that these tools
24 work and give the right answers, so there's no -- I and I
25 don't think anybody in this room -- well, certainly I

1 don't have any doubt about that vision. So it's a big
2 lift to make that kind of a fundamental change, and I
3 think staff is to be commended for really pushing that.
4 And, you know, Martha in particular, but really the whole
5 staff has embraced this vision and really moved it
6 forward. So we're at the point where the rubber is
7 hitting the road and we're in this transition point, and
8 change is hard. So I think we need to sort of elevate a
9 little bit and see that for what it is, and the broader
10 context here is that we have seriously ambitious goals
11 and there are a lot of interconnected pieces here, of
12 which the 2013 Building Standards is one. So in the
13 forecast in the IEPR, that is actually -- the energy
14 efficiency component of the forecast does take into
15 account and it assumes that we need certain milestones on
16 the new construction front, both res and nonres. Here,
17 we're talking about res, and the goals are pretty
18 proximate: by 2020, we've got to have Zero Net Energy
19 built into Code, so that's State policy. So this getting
20 the 2013 Standards implemented and out there in the
21 marketplace for all its difficulty is really a central
22 piece of what we're trying to accomplish more broadly,
23 and so that is why the urgency is so high; you all know
24 that, but I feel like it's important to say it here at
25 the Business Meeting. So that's why I think it's keeping

1 a lot of us up at night, because it's a big life, and
2 there's a real big team effort going on here to get it
3 done and we need to make sure that it works for the
4 marketplace. So this hand-holding aspect of helping us
5 through this transition, and this doesn't end in January,
6 is really key. And so I want the commenters here to
7 understand that, as well as the Energy Commission is
8 committed to making this transition work for them. And I
9 understand that it's traumatic and I understand that a
10 new software can be difficult, but we need to forge
11 ahead. So I said this at the last Business Meeting, and
12 I still believe it. And I'll pass it off to other
13 Commissioners here on the dais.

14 So looking forward to the December Business
15 Meeting where we revisit many of these, I hope it doesn't
16 seem like Groundhog Day, but I think the progress from
17 Business Meeting to Business Meeting has been important,
18 and so I want to acknowledge that, but also still
19 acknowledge that we have quite a bit of the lift left to
20 go. So I will move Item 5.

21 COMMISSIONER HOCHSCHILD: Second.

22 CHAIRMAN WEISENMILLER: Okay, all those in
23 favor?

24 (Ayes.) Item 5 passes unanimously. Thank you.

25 CHAIRMAN WEISENMILLER: Let's go on to Item 6.

1 2013 Public Domain Nonresidential Compliance Software.

2 And again, Craig.

3 MR. HOELLWARTH: In Item 6, we are requesting
4 approval of CBECC-Com Version 1c as 2013 Public Domain
5 Nonresidential Compliance Software. CBECC-Com Version 1c
6 can be used to complete the performance compliance
7 approach for the 2013 Standards for newly constructed
8 Nonresidential Buildings. In Version 1, which were
9 approved in September, include the following: compliance
10 for water heating systems, compliance with mandatory day
11 lighting requirements, additional HVAC controls can be
12 modeled, improved processing speed for building
13 description inputs, improved processing speed for
14 application of compliance rules to building descriptions,
15 fixes for bugs identified in Version 1, security features
16 Such that software certification is checked before
17 compliance reports are generated.

18 The Energy Commission is proving support for
19 CBECC-Com in a number of ways. The Energy Commission has
20 scheduled and announced a public training webinar on
21 CBECC-Com for November 19, just later this month. The
22 Energy Commission has secured additional technical
23 support resources for additional training and dedicated
24 user support for CBECC-Com. The Energy Commission is
25 working with the Utility Training Programs to provide

1 additional training and user support for CBECC-Com. The
2 Energy Commission has dedicated resources to continue to
3 add scope to CBECC-Com. And at the December Business
4 Meeting, we expect to seek approval of CBECC-Com for
5 process equipment, day lighting controls, and additional
6 HVAC controls.

7 With approval of this item, CBECC-Com Version 1
8 will be decertified and CBECC-Com Version 1c will be
9 certified for implementing the performance compliance
10 approach for the 2013 Nonresidential Standards. We
11 request approval of Item 5 (*sic*) and the resolution
12 approving it.

13 CHAIRMAN WEISENMILLER - Let's --

14 MR. ASHUCKIAN: That was Item 6, I'm sorry.

15 CHAIRMAN WEISENMILLER: Item 6. Thank you.
16 Let's again go on to get comments and then we'll take
17 questions and comments from the Commissioners. First,
18 let's start with Catherine -- I'm sure I'm going to
19 butcher your name -- University of California.

20 MS. KNIAZEWCZ: Kniazewycz.

21 CHAIRMAN WEISENMILLER: Kniazewycz. Yes.

22 MS. KNIAZEWCZ: Good morning, Commissioners.
23 My name is Catherine Kniazewycz. I'm the Director of
24 Architecture at the University of California, Office of
25 the President. UC shares the CEC's goals for building

1 energy efficiency in California and looks forward to
2 continued partnership in meeting those goals. Our new
3 President Napolitano made a speech in front of the
4 Regents yesterday committing to some pretty ambitious
5 goals for energy in general, greenhouse gas emissions,
6 and so on, which is very exciting for us.

7 But we are requesting that the CEC delay the
8 effective date for the 2013 Building Energy Efficiency
9 Standards that are scheduled to take effect on January 1,
10 2014, because the open source compliance software was
11 only approved in September and the commercially available
12 compliance software and related implementation tools for
13 the performance compliance method, which is basically
14 used by all UC building projects, are not yet available.
15 The University requests that the CEC recognize the
16 impracticality of the January 1, 2014 effective date and
17 delay the implementation of the standards until at least
18 July 1, 2014, to give design professionals in the
19 industry time to develop the necessary tools and
20 proficiency in their use, to comply with the significant
21 changes to the Code that are embodied in the 2013
22 Standards.

23 The University currently has several projects
24 ready to start design, or are already in design, that
25 would be subject to the new Code. But without the

1 compliance software ready, campuses can have no assurance
2 that their designs will be Code compliant. With less
3 than two months before the scheduled implementation date,
4 campuses seeking guidance from leading engineers,
5 architects and energy consultants in the state are still
6 being told that no modeling can be offered to guide their
7 designs. This places those projects, as well as those of
8 other owners in significant jeopardy for project cost
9 over-runs and delays when projects undergo plan review.

10 UC is and has been a leader in successfully
11 demonstrating energy efficiency strategies and
12 technologies that the CEC has promoted and subsequently
13 adopted in versions of the Code, and we wholeheartedly
14 welcome these significant Code changes moving towards ZNE
15 buildings. We are one among many jurisdictions with
16 current stretch goals and policies, but the delay in the
17 availability of the new software and accompanying tools
18 is extending the time needed to complete the required
19 analysis to validate or update UC's stretch performance
20 requirements of energy performance 20 percent better than
21 Code.

22 For all the reasons outlined above, UC requests
23 that CEC delay the implementation of the 2013 building
24 energy efficiency standards until July 1st of next year.
25 It's our understanding that a similar reasonable deferral

1 in the effective date was enacted for the 2008 Code
2 update, and this year has already been issued for
3 implementation of the 2013 Code Acceptance Testing
4 requirements. Thank you.

5 CHAIRMAN WEISENMILLER: Just one clarification?

6 MS. KNIAZEWYCZ: Yes.

7 CHAIRMAN WEISENMILLER: You're speaking on Item
8 6, so should I assume that you're referring to the
9 commercial buildings as opposed to residential buildings?

10 MS. KNIAZEWYCZ: Yes, Mr. Chair.

11 CHAIRMAN WEISENMILLER: Okay, thank you.

12 Patrick.

13 MR. SPLITT: Pat Splitt from App-Tech again. I
14 just want to preface my comments by saying that I do
15 support your efforts to revise both the Res and Nonres
16 computer software because it's been needed for a long
17 long time, I just think you should have started a lot
18 sooner. So I support the effort.

19 And as far as the Nonres compliance software,
20 I'm basically just trying to gear in on the logistics.
21 Was the version of the software CBECC-Com tested with the
22 latest version of EnergyPlus, OpenStudio, SketchUp? It's
23 very confusing which versions we're actually supposed to
24 use, and for OpenStudio there's a legacy version or a
25 real version. This hasn't been made very clear. And I

1 always update all my software to the latest version
2 immediately, so I have loaded all this new stuff, and now
3 I'm finding out that maybe I shouldn't have downloaded
4 EnergyPlus 8.1 or OpenStudio. But users, once this gets
5 going, they'll be on these mailing lists and they'll get
6 notices from these companies that there's a new version
7 of the software, and they'll do what I always do is
8 immediately I update the latest version of the software.
9 So my question is, if they do that, is it permitted, or
10 will updating to a version of the software when they get
11 a notice from, say, OpenStudio or EnergyPlus, would that
12 invalidate their computer program, make it an untested
13 version? I haven't heard anybody speak about the
14 mechanics of how this is all going to work.

15 Also, I've heard people mention that SketchUp
16 is a free software. Well, this company has been bought
17 by Trimble and Trimble does not allow their free version,
18 which is called SketchUp Make to be used for commercial
19 purposes. Well, I and almost anybody that's going to be
20 using the software is using it for commercial purposes.
21 We're getting paid to model buildings. The commercial
22 version of Trimble SketchUp Pro Version 2013 costs
23 \$600.00. So that's not a public domain computer program.
24 And that's a cost that I haven't heard anybody mention.
25 So I'm just trying to figure out what's going on with all

1 these different versions of different software that's
2 being put together, what are good combinations, what are
3 bad combinations, and I want people to admit that we
4 can't use the free version of SketchUp.

5 CHAIRMAN WEISENMILLER: Okay, thank you. We'll
6 again ask Martha and folks to comment on the specifics.
7 Let's go on to Michael Gabel again.

8 MR. GABEL: Thank you again, Commissioner. I'm
9 going to use my time to focus on just two issues, first,
10 there needs to be at least one fully functioning, truly
11 usable and approved nonresidential compliance software
12 version before January 1st, but no such software exists,
13 or will be available before January 1st. The second is,
14 because of this, the implications of the January 1st start
15 date are frankly hellish and a scenario the Commission
16 must avoid, even if it means it will delay the effective
17 date. CBECC-Com fails as serious compliance tools in
18 several key areas, 1) it's not a standalone program, it
19 requires the use of several other downloads and putting
20 third-party SketchUp, as Pat Splitt mentioned, to input
21 and revise all three-dimensional surfaces in the
22 building, zone-by-zone, and in conjunction with the
23 SketchUp plug-in from NREL. This process of geometric
24 input has not been demonstrated to be practical,
25 efficient, accurate enough, or usable on a range of

1 projects by even a modest sampling of building energy
2 analysts; 2) CBECC-Com does not meet other requirements
3 of the ACM Manual, for example, it does not currently
4 model fixed overhangs and side fins to shade glazing; 3)
5 CBECC-Com does not generate the compliance forms listed
6 in the ACM Manual that allow for detailed plan review and
7 enforcement of the analysis submitted for permit. CEC
8 staff is now suggesting that, until July 2014, Energy
9 Analysts fill out prescriptive forms by hand to
10 supplement the skimpy summary performance forms per one
11 compliance form. This is a totally unworkable plan that
12 will set the Standards documentation and enforcement back
13 25 years.

14 CBECC-Com is not even close to being ready for
15 approval as an acceptable compliance program today and
16 the Commission should not consider approving it in its
17 current form.

18 With respect to private domain software, key
19 changes in the ACM Manual are posing significant
20 obstacles to private energy vendors from delivering a
21 performance method. As one example, and for the first
22 time in 27 years, EnergySoft will not be able to release
23 an approved nonresidential performance module before
24 January 1st.

25 So with no usable performance method available,

1 what will this mean to the building industry after
2 January 1st? Here are a few examples: there is no longer
3 an overall TDV energy envelope tradeoff within the
4 prescriptive approach. There will be almost no tradeoffs
5 within the prescriptive method except with a few RSHGC
6 overhangs, and no tradeoffs between the envelope lighting
7 and mechanical systems that allow building owners and
8 designers to find the most cost-effective set of measures
9 to meet Code. Building owners and designers will be
10 forced into using a very limited number of glass and
11 frame type fenestration products that meet all
12 prescriptive requirements; 2) no nonresidential or high-
13 rise buildings with a window ratio of over 40 percent
14 will be allowed; 3) no local performance-based Reach
15 Codes or utility incentive performance programs for non-
16 residential and high-rise residential buildings.

17 This is kind of a compliance nightmare
18 scenario. The fallout will be very damaging to the
19 Commission, to the Standards, and to the pursuit of
20 future ZNE goals. I cannot emphasize enough how crucial
21 it is that the Commission delay the Nonresidential
22 Standards to ensure a viable performance compliance path.
23 Thank you.

24 CHAIRMAN WEISENMILLER: Thank you. Let's go to
25 Ted Tiffany.

1 MR. TIFFANY: Good morning, Commissioners.
2 Thank you very much. My name is Ted Tiffany and I'm your
3 advocate for compliance, I'm your boots on the ground. I
4 have to live in this compliance world with performance-
5 based software because 95 percent of my projects are all
6 performance-based projects.

7 My question to you today is, 1) please delay
8 the standards because this industry is not ready, 2) what
9 is your backup plan? We no longer have EnergyPro or
10 EQuest certified, which have been in use for well over a
11 decade for compliance. The new platforms are based on
12 three different software applications, the CBECC-Com is
13 not your only responsibility anymore, SketchUp and
14 OpenStudio are also your responsibility. You're in the
15 software business now. You have to support all three
16 tools. So my question to you today is, what is your plan
17 to support training and implementation for SketchUp?
18 What is your plan for software support and training for
19 OpenStudio, not solely the CBECC-Com tool?

20 I spent six and a half hours with my software
21 team in our office the other day trying to resolve errors
22 in the CBECC-Com tool, only to find out some of those
23 errors were in SketchUp, some of those errors were in
24 OpenStudio. How are we to support the CBECC-Com tool and
25 guide compliance when we're not receiving from the Energy

1 Commission support on the other two tools that are so
2 integrated into the software that they cannot be
3 separated? The SketchUp tool, as Pat mentioned, was sold
4 to Trimble. All the functionality of a DWG file, a PDF
5 file, the GBXML file that we've solely depended on
6 bringing in geometry is no longer in a free version. You
7 are now a de facto marketing tool for Trimble, a \$500 or
8 \$600 license to produce compliance documentation.

9 Besides the local jurisdictions not being able
10 to do their software implementation and their performance
11 stretch goals, you've offered a delay to the acceptance
12 testing standards to July 1st, the heavily Unioned
13 industry that now has defined language in black and white
14 who qualifies for testing, how many people need to be
15 qualified before that implementation is outlaid, and has
16 provisions in the standards for delay if they are not
17 certified and trained, and have at least a trained
18 industry to provide services. You've completely ignored
19 the Certified Energy Consultant world. The CEA exam that
20 we've developed cannot be done without a certified
21 working tool that we can train on. So I ask you this
22 question: how are we going to offer compliance, legal
23 compliance, to our industry without functioning software
24 that you support all three platforms for? Thank you.

25 CHAIRMAN WEISENMILLER: Thank you. We have a

1 gentleman on the phone, Roger Hedrick.

2 MR. HEDRICK: Hello? Can you hear me?

3 CHAIRMAN WEISENMILLER: Yes, we can.

4 MR. HEDRICK: Okay, thank you. Yes, I'm from
5 Architectural Energy Corporation and I've been involved
6 with the development of the software, the CBECC-Com
7 software, the rules set. I'd like to comment on the
8 usability of SketchUp and OpenStudio for developing
9 models in our production environment. I've been doing
10 energy modeling for a number of years and have used the
11 OpenStudio and EnergyPlus combination to do models for
12 LEED compliance and design assistance, including the new
13 Tom Bradley Terminal expansion at LAX, the International
14 Terminal, as well as the NREL RSF Building in Golden,
15 Colorado, and several buildings at the University of
16 Colorado in Boulder. While it's certainly a different
17 workflow than EnergyPlus, it is usable and functional,
18 and in fact offers a number of advantages in that the
19 resulting model depiction in OpenStudio and SketchUp is
20 very realistic and is useful to the design team in that
21 they can see exactly what it is that's being modeled.
22 And while we acknowledge that there are certain
23 capabilities that are not yet available in the tool,
24 we're working very hard to get those in and are adding
25 features rapidly, including a number of additions in the

1 1c version that certification is being requested for.

2 So that's all I have to say. I can answer any
3 questions about the tools.

4 CHAIRMAN WEISENMILLER: Thank you. Okay, so
5 let's start with first the legal issues that were raised
6 and then go to the technical, if there were legal issues
7 -- I thought there might have been.

8 MR. BREHLER: I'm sorry, Chairman, this is
9 Pippin Brehler, Staff Attorney. I didn't catch a
10 particular legal challenge to these, these all seem like
11 very practical challenges to the implementation. So I'll
12 let staff respond.

13 CHAIRMAN WEISENMILLER: Okay, great. Martha?

14 MS. BROOK: Okay, this is Martha Brook. Can
15 you hear me?

16 COMMISSIONER MCALLISTER: Yes.

17 MS. BROOK: Okay. So let's see, where should I
18 start? I think we have been open about the limitations
19 of the software to date and our plans to increase the
20 functionality going forward, and also Dave mentioned we
21 have other processes in the Regulations to provide, you
22 know, support for specific projects that need help, that
23 can't get that help with compliance software. In regards
24 to the SketchUp and OpenStudio and EnergyPlus support,
25 what we presented to you back in September was a strong

1 partnership that we have with the U.S. Department of
2 Energy and it's true that we can't do this ourselves, and
3 we are relying on the Department of Energy support of
4 these new national modeling tools to help us provide open
5 source software that's functional and useful at low cost.
6 Public domain software does not have to be free, in fact,
7 it never has been in the past. The Commission has
8 actually previously charged for their public domain
9 compliance software specifically because private vendors
10 asked the Commissioners long ago for the Commission to
11 charge for the software so that it would seem to be less
12 of a competition in the marketplace. So if a \$600
13 SketchUp purchase is required, that's a pretty reasonable
14 price for a nonresidential compliance software, certainly
15 cheaper than any private vendor tool that will become
16 available in the future. And we do actually have plans
17 for providing other options for importing geometry, it's
18 just that none of those are as critically important as
19 the additional features that are required for the
20 tradeoffs that Mike Gabel spoke of. And what I'd like to
21 do is ask Dimitri Contoyannis to come up, from
22 Architectural Energy Corporation, he's there in the room,
23 to just speak to what we do have in the tools just to
24 sort of set things straight, that it does have a
25 significant amount of functionality, and it's not true

1 that it can't be used for performance compliance.

2 So I think where most of the issues are,
3 they're very real issues in terms of lack of training and
4 the fact that the energy consultants are used to a
5 different tool and their favorite tool is not available
6 to them today. And to be honest with you, that's a
7 predicament that the Energy Commission always has, is we
8 do not control the marketplace, so we can't control when
9 a private vendor comes in to get his tool certified by
10 the Energy Commission.

11 We worked with Martin Dodd, the vendor of
12 EnergyPro, six months ago, and basically told him we'd do
13 everything in our power to get his tool approved if he
14 would submit it for certification; we do not have that
15 submittal today, so we can't act on any kind of approval
16 of a vendor product because it hasn't come in for
17 certification. So that's unfortunate. We were really
18 hoping EnergyPro -- and we still are hoping that it comes
19 in for certification so it can be used as a transition
20 going forward as we try to change the way that compliance
21 processing works in the design community. We have
22 specifically designed CBECC-Com to work more integrally
23 with architectural and mechanical design processes, so
24 the fact that we chose SketchUp was not an accident, we
25 deliberately chose it because architects use SketchUp for

1 conceptual design. That means that they don't have to do
2 a side bar compliance calculation, they can use the
3 geometry that they enter for a conceptual design, bring
4 it into CBECC-Com, and actually get envelope compliance
5 analysis done very early in the design process which
6 they've never been able to do before. So that's
7 something we deliberately integrated into the design and
8 specifications of CBECC-Com. But I'd like Dimitri to
9 comment more on that if he can.

10 MR. CONTOYANNIS: Hi. This is Dimitri
11 Contoyannis with Architectural Energy Corporation. I'm
12 the Team Lead for the CBECC-Com project. So I guess a
13 few things I want to cover, 1) features for typical
14 buildings, commercial buildings in California, 2) plans
15 for training and support, and 3) I'll touch on my
16 experience with the various tools that are required to
17 use with CBECC-Com.

18 So our features, as mentioned earlier, we've
19 prioritized the development of features to represent the
20 features that are most commonly needed for typical
21 buildings that will be constructed in California
22 according to the building forecasts. It covers a range
23 of single zone systems, both single and multi-speed, it
24 covers packaged systems that serve multiple zones, it
25 covers built up systems that are served by chilled water

1 plants, which, you know, right there that covers the vast
2 majority of HVAC systems that will typically be put into
3 buildings in California. There are also options for
4 dedicated outside air systems with space conditioning at
5 the zone level. We have the full set of envelope
6 criteria in the software, including a look up the library
7 built into the software, as required for compliance
8 software in California. We have implemented checks for
9 day lighting in this latest version, we plan to expand
10 upon the day lighting calculations for the December
11 release, as well. And I can probably direct you easily
12 to our website for the project where you'll find the full
13 set of features.

14 Additionally, the guides that are shipped with
15 the software contain a list of all of the features of the
16 software, including those that have been implemented in
17 the latest release.

18 One of the new features or new improvements
19 that is asking for certification here today is a
20 significant performance boost to the software, the
21 ability to import models quickly, to process them for
22 mandatory checks, to actually perform the rule set
23 analysis, has increased in speed by several orders of
24 magnitude. And I want to point out that some of the
25 issues with the processing time were determined by

1 working with the stakeholders, some of which are in this
2 room; they've indicated that it was taking too long to
3 import a very complex model, we looked under the hood, we
4 found ways to improve that, and in general the only way
5 to make improvements to the software is to get it into
6 the hands of a larger number of folks. So we would like
7 to get this new version out and approved such that we can
8 continue to solicit valuable feedback and make
9 improvements that are important to the users of the
10 software.

11 You know, another point I'd like to talk about
12 is the plans for training and support. Over the coming
13 month, we'll be releasing a set of short video tutorials
14 on the project website that will cover a number of topic
15 areas and teach users how to perform various tasks within
16 the software. We also have plans to provide email-based
17 technical support, so if a user working on a compliance
18 project has any issues, they have the opportunity to
19 submit their models and they'll be reviewed by the Energy
20 Commission and us, the technical support contractors.
21 And this is something that, you know, we have work
22 authorization ready to be signed which will allow us to
23 do this over the coming months. And, again, this will be
24 a really good opportunity to understand what issues
25 people are having with the software such that we can

1 resolve them and make improvements to the software on an
2 ongoing basis.

3 I guess -

4 MS. BROOK: Dimitri, could you speak to two
5 things? We heard from Pat on the issue of version,
6 EnergyPlus and OpenStudio versions, so can you talk about
7 how we are restricting the versions that we need for the
8 compliance software? And then also could you speak to
9 the planned efforts of the utilities to provide
10 additional training?

11 MR. CONTOYANNIS: Sure. So the website where
12 the software is available for download has very clear
13 instructions on which version of EnergyPlus, which
14 version of OpenStudio, and which version of SketchUp are
15 required to be used with the software. So when you
16 download the software, the CBECC-com software, it's on
17 the same page, it gives you those detailed instructions
18 on which other tools are required to utilize the
19 software. I can also point out that, as new versions of
20 EnergyPlus, for example, become available, you can have
21 multiple instances of EnergyPlus installed on your
22 machine. And so even if you do download and install the
23 new version of EnergyPlus, as long as you don't uninstall
24 the old version, it can remain alongside the newer
25 versions and function as needed to interact with the

1 compliance software.

2 I guess another point is, you know, there are a
3 number of points about SketchUp and OpenStudio and will
4 the Energy Commission be required to train and support
5 those tools. There are quite a few existing materials
6 that have been developed on both SketchUp and OpenStudio
7 for developing geometry that ultimately will be used in
8 CBECC-com. If you go to NREL's website, and they're the
9 principal developer of OpenStudio, they have a large
10 number of resources available that walk you through the
11 process of working with that software tool. SketchUp,
12 additionally, has been available for many many years,
13 it's one of the most commonly used design tools amongst
14 architects for putting together building geometry in the
15 conceptual and schematic phases of their designs, and
16 there's a wealth of resources available in terms of
17 training and video tutorials on how to use that tool, as
18 well. So I don't think we would necessarily be required
19 to start from scratch, there is existing materials
20 available that people can refer to, that have been
21 available and developed over years by a huge user base.
22 And to address Martha's question about plans for
23 providing training via the utilities, we've over the last
24 month or so had numerous discussions with a few of the
25 IOUs to help develop and roll out a training program in

1 the first quarter of the coming year. You know, I can't
2 say that there is any signed agreements as of yet, but
3 these are still discussions in progress and we'll keep
4 the Commissioners updated on the progress of those
5 discussions in upcoming business meetings.

6 Martha, was there anything else you wanted me
7 to address?

8 MS. BROOK: That's good. I think we should
9 just be available for questions now.

10 CHAIRMAN WEISENMILLER: Thank you. Anything
11 else from the staff?

12 MR. ASHUCKIAN: I just wanted to add that,
13 again, as with the residential software where we have
14 offered to provide support for any type of building that
15 doesn't meet - the software doesn't meet the model for
16 both alterations as well as new construction, so that no
17 project should be held up as a result of not having the
18 software capable of modeling that particular request.

19 COMMISSIONER MCALLISTER: So, let's see, I want
20 to thank the commenters. You know, again, at least part
21 of this conversation is similar to the residential, you
22 know, change is hard. I certainly want to reiterate that
23 I think this pathway is the right pathway. I mean, you
24 know, one of the commenters said, well, you're in the
25 software business now; well, you know, we've been in the

1 software business for a while and this is actually a much
2 improved model of how we interact with compliance
3 software. So open source really is a game changer and it
4 allows creativity to come from the marketplace. But
5 again, it's a big lift.

6 And I want to particularly thank UC for being
7 here because I think as a large stakeholder, it's an
8 important actor, and a real leader in this effort, you
9 know, we obviously have to take seriously the needs of
10 those complex structures, large, complex, multi-faceted,
11 multi-team, multi-contractor, kind of lots of moving
12 pieces sorts of efforts. And you know, if this were a
13 voluntary effort, if this were sort of like, okay, it's a
14 tool to help people design buildings, but, no, this is
15 mandatory. When it hits Code, everybody has to do it,
16 it's a matter of complying with the law. So I think we
17 definitely have to make sure that we have coverage in the
18 marketplace and that the gaps, that everybody has an
19 ability to comply with the law. So I guess I would ask
20 staff if you could describe how, in this case for
21 example, with a relatively large complex building, how
22 our additional resources can help that building or that
23 project comply in this transition phase, where there's a
24 lot of squeaky wheels and we need to kind of make it
25 work, what that looks like in practice.

1 MS. BROOK: This is Martha -- and, Dimitri,
2 chime in if I'm missing some element. So with the
3 exception of the design process, basically, for example,
4 if there's a scope in the design projects that aren't yet
5 addressed by the compliance software, then we would ask
6 the building owners and their agents to work with the
7 Commission to provide them the electronic data models for
8 those buildings so that we could actually simulate them
9 in an engine such as EnergyPlus, and then just do the
10 building science analysis to understand if the
11 performance of that design meets our standards. So
12 that's where we would use all our subject matter experts
13 here at the Commission in terms of lighting, mechanical
14 design and envelope performance to confirm that the
15 building as designed meets or exceeds the 2013 Standards.

16 Now I think it's important to clarify that the
17 UC -- they're really trying to stay exceptional, right?
18 So meeting Code is one thing, but they're really trying
19 to do everything they can to keep their policy in place
20 so that every building gets designed to be 20 percent
21 better than Code. And so there they kind of need that
22 exceptional design process right off the bat because
23 they're going to be, by implementing that policy and
24 meeting that policy goal, they're going to be
25 implementing technologies that are not standard practice,

1 so they're going to be pushing the envelope. And what
2 they want is a calculation that comes out and says, yeah,
3 you're 20-25, 30 percent better than Code. In this
4 interim period when, if we can't do that with the
5 compliance software, then we will actually do those
6 calculations with them and their agents by hand basically
7 to say, yeah, the budget for this building is X and
8 you've met your budget for your building is 80 percent of
9 that, and therefore you're 20 percent better. So we
10 would be doing that work with the agents of the building
11 owners, working with their design contractors to
12 understand the performance of a building using simulation
13 tools that we are also using for the compliance software,
14 we would use the compliance software to the extent
15 possible and extend that with additional simulation
16 analysis to understand the expected performance of those
17 buildings.

18 COMMISSIONER MCALLISTER: So, Martha, we have a
19 state with 38 million people in it, and we have the
20 seventh, eighth, ninth largest economy in the world, and
21 a lot of construction going on. Does the Energy
22 Commission anticipate a lot of these buildings coming up
23 now that the economy is better than it was, and we have
24 construction going on? I mean, what's the workflow that
25 you anticipate would be generated in the transition

1 timeline?

2 MS. BROOK: I wish we had better information
3 about that. I don't feel personally like I have a good
4 understanding of how many new projects are going to come
5 in the first quarter of 2014. We've been hearing mixed
6 messages. You know, we know, for example, that there are
7 a lot of buildings that are getting permitted now and, in
8 fact, before every Code Update in the State of
9 California, as many projects as possible pull those
10 permits before a new Code takes place just because of the
11 disruption to their -- not just the Energy Code, but all
12 the other aspects of the California Building Code
13 Updates, you know, change causes disruption, and so they
14 want to make sure that they're in before the deadline.
15 So there's always a lull in permitting. We don't expect
16 that everybody is going to be lining up and waiting for
17 January 1 to pull a permit. But that said, like we heard
18 from Catherine, the UCs do have designs in process and
19 are starting designs that will fall into the 2014 or
20 beyond permitting stage, so we don't think there will be
21 a flood of those types of projects in the first quarter
22 of 2014, but we need to be able to line up the resources
23 to provide the support that will be necessary for those
24 projects that come in. Like Dimitri said, we think that
25 the compliance software will work for the vanilla

1 projects, I'll say, you know, the typical ones that we
2 expect to be permitted in 2014, and then we'll have to
3 work with the building owners on the conceptual design
4 projects until the compliance software can meet all of
5 their needs.

6 COMMISSIONER MCALLISTER: Okay, thanks Martha.
7 I appreciate that. I want to ask Catherine -- and I'm
8 not even going to try to pronounce your last name -- if
9 you have anything to add here to this discussion, and I
10 noticed Mr. Tiffany also wanted to chime in.

11 MS. KNIAZEWYDZ: I do.

12 COMMISSIONER MCALLISTER: If you could come up
13 to the dais that would be great, and talk into a
14 microphone. In particular, sort of what's your workflow?
15 I mean, you're one of the largest entities in the state
16 in terms of energy consumption and building ownership
17 operations, etc., what's your punch list as far as the
18 building and construction and flow that you have coming
19 up in UC?

20 MS. KNIAZEWYDZ: We do have a very robust
21 capital program and, due to recent legislation, we've
22 freed up State dollars for more construction and we have
23 a lot of pent up demand at the campuses for those
24 dollars. I can't tell you an exact project count -- Ted
25 just told me he has three projects at Davis alone that

1 are going to be coming in for a plan review early in the
2 year, the first quarter or the first half of the year.
3 And my concern, I appreciate the Commission making
4 available the exceptional process, but I have a really
5 big concern given our probable volume for the very likely
6 delays, which are really costly in a market that is
7 ticking up, not to mention soft costs for University
8 staff and consultants to work through the exceptional
9 process. So those would be our concerns.

10 COMMISSIONER MCALLISTER: Okay. Well, thank
11 you very much. I'm going to reach out and see if we can,
12 sort of after the meeting, but I think we should dive in
13 a little deeper on this.

14 CHAIRMAN WEISENMILLER: Part of -- I mean,
15 right now we have transitioned from public comment to
16 reaction, and --

17 MR. SPLITT: We're allowed to cross examine.

18 CHAIRMAN WEISENMILLER: No, you're not. This
19 is not -- well, again, you can talk to my attorneys, but
20 at this point we are transitioning from your part, and if
21 you have information on a number of projects? But again,
22 this is not an opportunity for you to cross examine.

23 MR. SPLITT: I have one comment on your
24 misapplication of requirement for exceptional design. It
25 does not work the way Martha suggested it does.

1 CHAIRMAN WEISENMILLER: Okay, but again, you're
2 going to have a public comment at the end, at the end of
3 our business meeting.

4 COMMISSIONER MCALLISTER: There's also the
5 channel through the Public Advisor's Office to make sure
6 that reaction is, again, on the record. And so Mr.
7 Tiffany, do you have something to add to this particular
8 discussion?

9 MR. TIFFANY: We have a number of projects and,
10 again -- I don't want to be contentious, I have to live
11 in this world, I do have three projects at U.C. Davis
12 that we need to evaluate under the new Code, and two of
13 which are over the 40 percent window to wall ratio and
14 have glazing types; mind you, there's two glazing types
15 published for Virkon that actually meet the prescriptive
16 requirements on their own without shading devices. None
17 of the PPG products meet both the SHGC U factor and
18 visible light transmittance, so that is completely out.
19 So it almost demands a performance-based compliance
20 approach that includes, you know, architectural features,
21 shading devices, window walls and things like that. I
22 have a dining facility that will have variable speed PM
23 hoods that I need to show compliance for. I have a crime
24 lab that has laboratory fume hoods. And very complex
25 architectural systems, very complex mechanical systems,

1 chill beams, dedicated outside air thermo fuser-type
2 applications, single zone, variable speed systems that
3 need to be evaluated, variable refrigerant volume systems
4 that are a dominant system type in the workflow right
5 now, that I'm unable to evaluate.

6 You know, it's a pleasure to sit here and, you
7 know, live in the world that I've supported for 15 years
8 and say that I'm in a position where I can't support the
9 industry. I want to be able to help compliance and this
10 big step that we're taking, I need to help guide all the
11 architects, all the engineers, the lighting designers
12 through with the compliance tools, and I'm unable to do
13 that on some of these very complex buildings.

14 COMMISSIONER MCALLISTER: So I want to just --
15 let's see, thank you for being here, and I also really
16 would like to have a better sense, and I think staff
17 shares this desire, to have a better sense of what
18 workflow of these kinds of complex projects is coming
19 down the pike. It really is -- a lot of this question,
20 and the timeline for implementation boils down to
21 coverage of the full spectrum of the marketplace, and it
22 really matters whether this piece of it is big or small.
23 And so if you or colleagues that you work with, the
24 industry at large, has a good idea of that, I'd love to
25 have that submitted to the Commission.

1 MR. TIFFANY: Yeah, I will definitely write you
2 a letter and encourage my colleagues to explain the
3 situations that they're in. Just one workflow issue that
4 I think is really outstanding for me right now is no
5 architect I work with uses SketchUp past conceptual
6 design, and that requires me to take on the
7 responsibility of regenerating architectural features at
8 permit stage, which is normally construction document
9 phase. That completely puts that workflow in my
10 responsibility now, not the architect's. And to be able
11 to zone that appropriately through a tool like Rev-it,
12 the architect will never zone the building for mechanical
13 systems, it's not in their workflow, it's not in their
14 requirement to do that. That puts that all on the energy
15 consultants. And we own a very advanced tool like Rev-it
16 that can do that. It's a \$40,000 license for our office.
17 You know, I teach Code compliance at the University
18 level, having to teach SketchUp and OpenStudio and CBBEC-
19 com is going to be difficult for these students to learn
20 three different tools within a semester. I fear for a
21 person that has to now learn SketchUp to do a strip mall
22 that is a five-zone, very simple architectural feature,
23 learn EnergyPlus which is a surgery tool in the industry,
24 and just to get minimum compliance that used to take an
25 hour to do.

1 COMMISSIONER MCALLISTER: Thanks a lot. And
2 Martha, did you have a response to that last --

3 MS. BROOK: So this is Martha. I guess I would
4 say that SketchUp is pretty easy to use for the simple
5 one to five zone building types, so we don't really see a
6 workflow issue for those simple buildings. And in fact,
7 you know, the younger engineers that we've been briefing
8 on workflows seem to grasp it and embrace it, and so I
9 actually -- you know, that's a workflow choice. They
10 want to do -- they use tools that - they use 3D modeling
11 for their design processes, and so they're equipped to
12 learn it in regards to compliance software. You know, I
13 guess I'd ask Dimitri if he has any other comments, but
14 otherwise -- I mean, I think that it's very true that the
15 community needs more training and needs to learn these
16 tools. I guess I would just also add that we are working
17 with other vendors who are integrating our compliance
18 manager for nonres into their design tools, so things are
19 going to be rough now if everybody is using CBBEC-com and
20 only CBBEC-com, but we expect that the market is going to
21 demand other products and vendors are going to meet that
22 demand because there's going to be a business interest
23 for them to do so. And that's why we've been working
24 with major mechanical design vendors from the very
25 beginning, because they are very interested in providing

1 compliance products and capabilities within their tools,
2 and they've been shut out from doing that in the past
3 because there was really no way for them to break into
4 the market, there was kind of a monopoly on compliance
5 software in California, and nobody saw a way to write
6 through and provide services within their design tools
7 until we started talking with them about this open source
8 path for their tools.

9 MR. TIFFANY: Martha, I completely agree with
10 the approach that the Commission is taking, this is a
11 fabulous -- and Dimitri, you've done some incredible work
12 on this application, and I applaud that; you know, the
13 issue is coming 45 days before the Standards and having
14 the entire industry ready to support this tool and guide
15 compliance smoothly.

16 MS. BROOK: Right,

17 MR. TIFFANY: We don't want to turn this into
18 ObamaCare the first day on the website issues, we need to
19 have the industry prepared for that.

20 MS. BROOK: Yeah, I think that's what the
21 Commissioners need to think about. Again, I don't think
22 it should govern whether or not they approve the
23 software, it certainly is better than the version in
24 September, and so we should keep moving forward and any
25 decisions they make about supporting the industry in this

1 transition period, you know, we are ready to support the
2 Commissioners in their decisions that they make in that
3 regard. And I think what Dave was saying on the
4 Standards side is that we are trying to allocate all
5 available resources to provide user support during this
6 transition period, but we do understand that it will be
7 disruptive and everybody is going to have to have a lot
8 of patience and work together to make it really workable
9 in the early months of 2014.

10 MR. TIFFANY: I have seven projects I will send
11 you tomorrow.

12 COMMISSIONER MCALLISTER: Excellent. So thanks
13 again.

14 MR. TIFFANY: Thank you for additional time.

15 COMMISSIONER MCALLISTER: Absolutely. And I'm
16 serious about following up with each of you because I
17 think understanding the marketplace and really fleshing
18 out what this transition period looks like is key. And
19 I'll also note that this is not our last vote on these
20 tools, we're going to see them again in December.

21 CHAIRMAN WEISENMILLER: Before we move on, I
22 was going to give Mr. Splitt a chance to raise his
23 question on exceptional design requirements and for
24 Martha to respond to that. But again, keeping your focus
25 to that.

1 MR. SPLITT: Okay, yes. Just about the rules,
2 which is what I keep harping on here over and over again
3 is I think you complain about us not following the rules
4 and I don't think you guys follow the rules. So for --

5 CHAIRMAN WEISENMILLER: Well, I think we do,
6 but that's my attorney's opinion.

7 MR. SPLITT: -- interpretation. For an
8 exceptional design, what's required is not something at
9 the front end of a design process. To get an exceptional
10 design, one has to have a complete project that you've
11 submitted not just to the Planning Department, but to the
12 Building Department, and have the Building official
13 reject your application because it doesn't meet Title 24
14 because of some special feature you have in there. You
15 then need to get the Building Official to give you a
16 written statement that you can submit to the Commission,
17 to ask for an exceptional design. So it's not done at
18 the front end where we're just working on things and
19 we've decided we can't model the thing, you have to do a
20 complete plan and submittal to the Building Department
21 and that's way too late for this exceptional design
22 method. So if you're going to offer some sort of help
23 for buildings that have features that don't work, you
24 can't wait for an exceptional design, that's way too
25 late. You have to come up with some other process that

1 will work upfront.

2 CHAIRMAN WEISENMILLER: Thank you. Martha,
3 any comment?

4 MS. BROOK: Yeah. So when we counseled with
5 our legal staff on this and looked at the Regulations in
6 terms of the exceptional design process, we didn't see
7 anything in there that said you had to wait until the
8 permit gets rejected by a Building Department; in fact,
9 it's very general, it says that if a project cannot use
10 the performance compliance approach, they can come in
11 with an exceptional design process. Now, maybe the devil
12 is in the details and it's sort of an implementation at
13 the Building Department process versus what's in our
14 Regulations, and that again we don't have to counsel on,
15 but I don't think there's anything -- and Pippin can
16 confirm - in our Regulations that says we can't provide
17 this service. In fact, I think it requires us to provide
18 this service.

19 CHAIRMAN WEISENMILLER: Okay, Pippin?

20 MR. BREHLER: Yes, Chairman. I don't have
21 Sections 10-104 and Sections 10-109 in front of me, but
22 those are the two sections that provide for the
23 exceptional method process in the Building Standards --
24 thanks, Craig, he just gave them to me -- but I agree
25 with Martha that it doesn't require going to the local

1 jurisdiction and getting rejected. Perhaps Mr. Splitt is
2 correct that you have to go substantially through the
3 process and figure out that the performance compliance
4 approach isn't going to work, but the Standards
5 themselves don't require that you go all the way through
6 and get turned away before you come to us and work
7 through the exceptional method process to get approval
8 for that particular project.

9 CHAIRMAN WEISENMILLER: Thanks. Commissioner
10 McAllister.

11 COMMISSIONER MCALLISTER: Craig, did you want
12 to say something?

13 MR. HOELLWARTH: All I was going to say is,
14 from a staff point of view, I think we would entertain
15 any questions that come our way in terms of a project and
16 the needs for assistance or guidance in how to meet the
17 Regulations at any stage in the project.

18 COMMISSIONER MCALLISTER: Thanks. And I
19 appreciate that and I know that on both the Res and the
20 Nonres side, staff has been doing a lot of supporting
21 along these lines and as we get closer to D Day here, I
22 want to just make sure that we have the resources to
23 support the marketplace. I mean, this is the marketplace
24 trying to function, and we certainly do not want to be a
25 barrier, we want to be supportive and a facilitator. I

1 think we've heard that we're all on board with the goals
2 here, so we need a bit of a team mentality to make it
3 work. So, again, I'm going to note that we're getting
4 close, we're 45 days out or so, but we also have the
5 December Business Meeting coming up and there's going to
6 be some pretty critical developments between now and
7 then. And I'm going to make a motion --

8 CHAIRMAN WEISENMILLER: Let me just ask one
9 follow-up. One of the things that would be useful
10 certainly to us Commissioners, particularly Lead
11 Commissioner and Executive Office, would be if you could
12 be providing sort of weekly tallies for us of how you're
13 doing in terms of number of calls, or number of projects
14 you're working on, and what that implies in terms of
15 workload.

16 MR. ASHUCKIAN: We would be happy to do that.

17 COMMISSIONER MCALLISTER: Also, I think I'd
18 like to open it up to the other Commissioners. I mean,
19 clearly there are a lot of -- this is a massive effort
20 and it's really got the attention of the whole Efficiency
21 Division staff, but certainly that team has turned
22 themselves inside out to get this done. And also,
23 frankly, Standards are the Commission's bread and butter.
24 There are a lot of energy savings, it's our expertise,
25 it's really a core part of our brand, and doing this

1 right -- I was hoping we could get through the meeting
2 without mentioning ObamaCare, but it didn't happen. And,
3 you know, we really have to make sure that we've got all
4 the bases covered because, you know, as I said, this is
5 mandatory, everybody has -- there's no going around it.
6 And so whatever the group of pathways are, they all have
7 to be so that somebody can relatively straightforwardly
8 get through one of them to get to the end of their due
9 diligence and their project approvals. So I want
10 everybody to know that we're absolutely focused on making
11 sure that is the case January 1st and providing support
12 where individual Applicants and Developers have issues.
13 So I want to open it up to the rest of the dais here.

14 COMMISSIONER DOUGLAS: Well, I just have a
15 brief comment. I mean, I can tell from listening that
16 this is a pretty challenging situation and the clock is
17 ticking. So it's critical that compliance with the
18 Standards be feasible and understandable, and so that's
19 clearly where we've got to get within this timeframe if
20 we possibly can, but it's essential that the compliance
21 be possible, and so I will look forward to hearing from
22 the Lead Commissioner, or hearing from staff, or just
23 getting updates on the situation as it develops. Thank
24 you for your work, it's obviously time critical at this
25 point.

1 CHAIRMAN WEISENMILLER: Yeah. I was going to
2 say I think all of us are certainly on the one hand
3 collectively sort of really committed to these Standards,
4 and at the same time committed to making sure that there
5 is a compliance approach. You know, we appreciate the
6 staff's willingness to work with the individual projects
7 to try to come up with solutions, and as I understand it,
8 the good or bad news is that the current tool is better,
9 the one that we're being asked to - basically what we're
10 asked to do today is to approve the next version of the
11 software, that it is better than what was there in
12 September. It's certainly not where we want to end up,
13 or it's not the ultimate product, but it is a step
14 forward and I think we're all going to have to --
15 particularly the Lead Commissioner and myself, but
16 certainly all of us will need to stay on top of
17 developments here to make sure that this is ready for
18 primetime.

19 COMMISSIONER MCALLISTER: So I'm going to make
20 a motion to approve Item 6.

21 COMMISSIONER DOUGLAS: Second.

22 CHAIRMAN WEISENMILLER: All those in favor?

23 (Ayes.) Item 6 is approved unanimously.

24 Again, I thank everyone for their contributions today and
25 for helping us understand some of the issues.

1 MR. BREHLER: Excuse me, Commissioners, if I'm
2 not mistaken, we presented both items 5 and 6 together
3 and tabled the vote so they could be voted on separately
4 at the end of both presentations. So I believe Item 5
5 for the CBBEC Res remains open.

6 CHAIRMAN WEISENMILLER: No, no, we did, we
7 voted on 5, and now 6. So both have been approved
8 unanimously. Let's go on to Item 7, which is the 2008
9 through 2010 RPS Procurement Verification Report. Gina.

10 MS. BARKALOW: Hello, Commissioners. I'm Gina
11 Barkalow, the Verification Lead for the Renewables
12 Portfolio Standard RPS Program. Today I am requesting
13 adoption of the 2008-2010 RPS Procurement Verification
14 Report.

15 As you know, retail sellers have an RPS
16 obligation that has been in place since the RPS law was
17 first signed in 2002, requiring California Public
18 Utilities Commission (CPUC) regulated retail sellers to
19 procure 20 percent renewable energy by 2017. 2006
20 legislation accelerated the RPS to 20 percent by 2010.
21 Publicly-owned utilities were required to set their own
22 RPS goals, recognizing the intent of the legislation to
23 attain a target of 20 percent of California retail sales
24 of electricity from renewable energy by 2010. While not
25 legally mandated, verification reports are prepared as

1 part of the Energy Commission's RPS responsibilities.
2 Upon adoption and posting of the final 2008 through 2010
3 verification Commission report, the Energy Commission
4 will transmit its findings to the CPUC for use in
5 determining retail sellers' RPS compliance through 2010.

6 In April 2011, Governor Brown signed SBX12,
7 which set a new target of 33 percent renewables by 2020
8 for all utilities and authorized the Energy Commission to
9 determine POU compliance. The first compliance period
10 under the new RPS program covers 2011 through 2013.
11 Retail sellers reported 2011 and 2012 data to the Energy
12 Commission this summer and POUs reported 2011 and 2012
13 data on October 31st. 2013 data for all utilities will be
14 reported to the Energy Commission July 1, 2014.

15 Going forward, the CPUC will continue to
16 determine RPS compliance for retail sellers while the
17 Energy Commission will determine POU compliance. This
18 verification report concludes the Energy Commission's
19 responsibilities for verifying retail sellers' claims
20 under the previous RPS program up through 2010.

21 2008, 2009 and 2010 represent the transition
22 years from the interim tracking system, ITS, which was
23 used while the Western Renewable Energy Generation
24 Information System (WREGIS) was being developed to using
25 WREGIS data to verify RPS eligible generation. Verifying

1 WREGIS data was a new experience for staff and there were
2 more than 1,770 RPS claims verified in this report,
3 representing over 85,000 gigawatt hours of renewable
4 generation. Two retail sellers made updates to
5 previously reported claims, one for years going back to
6 2001 and another updating the amount for 2007.

7 We held a public workshop last fall and
8 released the staff draft report in September. We also
9 worked closely with retail sellers and were able to
10 resolve almost all outstanding issues. Among other
11 things, the report verifies the eligibility of the
12 facilities from which there are claims that there was
13 sufficient generation from the facilities to cover the
14 claims, the amount of RPS generation allowed for multi-
15 fuel facilities, including those using pipeline
16 biomethane and that facilities met RPS requirements.
17 Staff coordinated with energy agencies from Oregon,
18 Washington, and Nevada, and Green-E, representing the
19 voluntary REC market, to help ensure against double-
20 counting.

21 In situations where there were eligibility
22 concerns, sufficient documentation was provided to verify
23 the claims, or the claims were withdrawn by the retail
24 sellers. For each of the 16 retail sellers with RPS
25 claims for years 2008, '09 and/or '10, staff prepared

1 draft tables identifying amounts as eligible, ineligible,
2 pending, and/or withdrawn. These draft tables were
3 initially presented at the public workshop last fall;
4 four stakeholders submitted comments related to 2008
5 through 2010 verification. The tables with some updates
6 were again included in the draft reports. We received
7 three sets of comments on the staff draft report and no
8 comments were submitted on the Lead Commissioner draft
9 report.

10 There are two staff recommendations in the
11 report that I would like to mention. The first one has
12 to do with pending claims from out of state facilities.
13 Renewable generation from out of state facilities is
14 allowed for the RPS, but must meet certain requirements.
15 The verification report includes pending claims where
16 RECs and delivery were verified, but those claims did not
17 meet specific RPS Eligibility Guidebook requirements.

18 After reviewing supporting documentation, spot
19 checking the data, discussing the issue at the public
20 workshop, making sure that there was enough delivery to
21 cover the RPH claims and that there were signed
22 attestation for the delivery data, staff is recommending
23 that the pending claims be accepted as eligible.

24 The amounts pending due to this reason are less
25 than one percent per year compared to the total amount of

1 eligible procurement claimed. But for some electric
2 service providers, it represents nearly or the entire
3 annual claim amount.

4 Also, in one case, staff recommends that the
5 Energy Commission consider the reporting date for 2008
6 RPS data as the date when the extension was requested by
7 the retail seller, rather than the actual reporting date.
8 This is reasonable to account for the fact that staff
9 believe that the retail seller fully intended to report
10 in a timely and accurate manner, but in accordance with
11 Energy Commission staff's guidance delayed until staff
12 made an eligibility determination regarding a previous
13 year's claim which also impacted 2008 through '10.
14 Approving this recommendation in the verification report
15 will set the retirement date for these RECs within the
16 allowable timeframe required by the CPUC for the purposes
17 of determining compliance with the RPS.

18 In sum, the vast majority of the procurement
19 claims detailed in this report were from RPS certified
20 facilities with sufficient generation. And for claims
21 from out-of-state facilities, staff determined there was
22 sufficient energy deliveries to cover the procurement and
23 claimed amounts. Without evidence to the contrary,
24 Energy Commission staff finds that the procurement claim
25 amounts listed in this verification report, including the

1 pending claims, are eligible to count toward meeting the
2 retailer sellers' RPS obligations.

3 With that, I ask that the Energy Commission
4 adopt this 2008-2010 RPS Procurement Verification Report
5 with minor non-substantive changes just to the report;
6 for example, to change it from a Lead Commissioner Draft
7 to a Final Commission Report, and to remove the pending
8 claims and count them as eligible. Thank you and are
9 there any questions?

10 CHAIRMAN WEISENMILLER: Thank you. Do you need
11 some water?

12 MS. BARKALOW: I have some. Thank you.

13 CHAIRMAN WEISENMILLER: Okay, thank you.

14 COMMISSIONER HOCHSCHILD: Let me thank Gina and
15 the Renewables team for their very hard work on this.
16 You know, different mammals have different gestation
17 periods before they're born, I think the longest is the
18 Beluga Whale which is a year and a half -- I kind of feel
19 like this is our Beluga Whale and I want to thank
20 everyone for giving birth to this. I'm really pleased
21 with the results and glad to get it done. We're going to
22 be discussing this with Commissioner Ferron and his team
23 at our quarterly next week. So thank you, Gina.

24 MS. BARKALOW: Thank you.

25 CHAIRMAN WEISENMILLER: Any other questions or

1 comments?

2 COMMISSIONER HOCHSCHILD: I would move adoption
3 of the item.

4 CHAIRMAN WEISENMILLER: I think we have a
5 resolution, right? And that's what you were referring
6 to?

7 MS. BARKALOW: This does come with a resolution
8 which basically summarizes the results of the
9 Verification Report.

10 CHAIRMAN WEISENMILLER: Right. So basically
11 we're moving the --

12 COMMISSIONER HOCHSCHILD: So moved.

13 CHAIRMAN WEISENMILLER: Okay. Gabe, let's see
14 if Gabe has any tweaks.

15 MR. HERRERA: Good morning, Chairman,
16 Commissioners --

17 CHAIRMAN WEISENMILLER: Oh, excuse me, and also
18 Valerie has a comment afterwards, too, before we move.

19 MR. HERRERA: I'm sorry. With respect to the
20 resolution, that resolution memorializes the Commission's
21 action of approving the RPS Verification report. It also
22 identifies the two circumstances that Gina spoke to with
23 respect of pending procurement claims and with respect to
24 the one retail seller that submitted their information
25 late, but because of staff's need to evaluate the RPS

1 eligibility. So those two recommendations are identified
2 and discussed in the report and they're also summarized
3 in the resolution.

4 CHAIRMAN WEISENMILLER: Okay. Thank you. Now
5 Valerie, who is not in her normal chair, why don't you
6 come forward?

7 MS. WINN: Good morning, Commissioners. I have
8 to move around every now and then, keep guessing. I just
9 wanted to indicate PG&E's support for approval of this
10 verification plan. You talk about Beluga Whales, I kind
11 of think of it as the weed whacking of compliance efforts
12 where there's, you know, the very detailed analysis of
13 all sorts of documents to verify these compliance
14 reports. And so I did really want to commend Gina and
15 Theresa from the CEC staff for their continued efforts.
16 Our team worked very closely with them in providing the
17 documentation and we really appreciate that sort of team
18 work and working together to better understand what's
19 needed for -- to demonstrate compliance. So again, we
20 support adoption of this. Thank you.

21 CHAIRMAN WEISENMILLER: Thank you. And I guess
22 the good news is every year Gina's workload is going to
23 increase some more, but hopefully WREGIS will help.

24 COMMISSIONER HOCHSCHILD: Move the item.

25 COMMISSIONER DOUGLAS: Second.

1 CHAIRMAN WEISENMILLER: All those in favor?

2 (Ayes.) This item has been unanimously
3 adopted. Thank you, Gina.

4 MS. BARKALOW: Thank you.

5 COMMISSIONER DOUGLAS: All right, I'd like to
6 also congratulate staff and the Lead Commissioner for
7 their baby Beluga.

8 CHAIRMAN WEISENMILLER: Well, I was talking
9 about the race between 758 and this project, but anyway,
10 we won't get quite into that one.

11 COMMISSIONER MCALLISTER: Ouch.

12 CHAIRMAN WEISENMILLER: Ouch. Let's go on to
13 Item 8, University of California, Berkeley. Possible
14 contract 500-13-002 for \$250,000. Simone Brant, please.

15 MS. BRANT: This is a project with the
16 University of California at Berkeley for \$250,000.
17 Domestic water and natural gas use are linked since
18 natural gas is generally used for heating water, and
19 demand for both water and natural gas are also linked to
20 price income, weather, housing characteristics, and the
21 degree to which efficient technologies have been adopted.
22 However, the exact magnitudes of these joint responses
23 are difficult to estimate and not well understood, but
24 they are important for utility planners and regulators.

25 This research team has access to a unique set

1 of water consumption data, which will be used with
2 utility and natural gas consumption data to estimate the
3 elasticity of water consumption to measures of price,
4 weather, and housing characteristics. It also uses
5 models to understand baseline water consumption for
6 residential irrigation in the 16 California climate zones
7 and to calculate imbedded energy in irrigation water by
8 the Water District.

9 The results will be used to test and improve
10 the Natural Gas Demand Forecasts and to better understand
11 the impact of water efficiency measures on natural gas
12 demand.

13 CHAIRMAN WEISENMILLER: Thanks. Commissioners,
14 any questions or comments?

15 COMMISSIONER MCALLISTER: Given that it has
16 efficiency improvement and it also has a natural gas
17 component, obviously I am in support of it, as well.
18 Good stuff. So I'll move Item 8.

19 COMMISSIONER HOCHSCHILD: Second.

20 CHAIRMAN WEISENMILLER: All those in favor?

21 (Ayes.) Item 8 passes unanimously. Thanks.

22 Let's go on to Item 9. Chula Vista Elementary School
23 District. Possible approval of Agreement ARV-13004. And
24 this is ARFVTP funding. And Thanh Lopez, please.

25 MR. LOPEZ: Good morning. My name is Thanh

1 Lopez from the Emerging Fuels and Technologies Office of
2 the Fuels and Transportation Division. I am presenting
3 for possible approval an agreement with Chula Vista
4 Elementary School District to upgrade their existing
5 compressed natural gas or CNG fueling station. Chula
6 Vista Elementary School District applied for funding
7 under the Emerging Fuel and Technologies Office's natural
8 gas fueling infrastructure grant solicitation, the
9 purpose of which is to support the insulation of new
10 infrastructure, as well as upgrades to existing natural
11 gas fueling infrastructure.

12 Upon completion, the upgraded station will
13 support the district's existing fleet of 21 CNG school
14 buses and provide fueling capacity for planned fleet
15 growth for the next five years. The station will also
16 provide support to neighboring school districts,
17 surrounding businesses, and other local fleets, as this
18 district owns and operates the only publicly accessible
19 CNG station within a seven-mile radius.

20 The station's increased capacity will reduce
21 greenhouse gas and criteria pollutant emissions by
22 increasing the displacement of petroleum derived fuels
23 with natural gas. This throughput will displace about
24 35,000 gallons of diesel fuel annually and reduce CO₂
25 emissions by 300 metric tons per year. If approved, the

1 Energy Commission will provide \$299,157 in Alternative
2 and Renewable Fuel and Vehicle Technology Program funds.
3 Staff is requesting the Commission's support and approval
4 of this proposed grant award. I'll be happy to answer
5 any questions. Thank you for your consideration.

6 CHAIRMAN WEISENMILLER: Thank you.
7 Commissioners, any questions or comments?

8 COMMISSIONER SCOTT: I just had a comment on
9 this, that the investment -- we had a meeting for the
10 Investment Plan for this program and some of the school
11 districts came and they mentioned just this very topic,
12 which was about school districts who were early adopters
13 of CNG are getting to the point in time where it's time
14 for them to upgrade their facilities so they can continue
15 to provide the fleets and the services, and I think this
16 is probably the first of many we'll see like this. But
17 I'm in strong support of helping these school districts
18 to upgrade.

19 COMMISSIONER MCALLISTER: And I also want to
20 call out Chula Vista as a leader in all things climate
21 and environment, they really have gone out ahead of most
22 cities. They were a very early signer of the Mayor's
23 Climate Initiative and, you know, I think really in their
24 City Planning efforts they've got a really strong team,
25 and they continually push the envelope and have a lot of

1 vision on this front, so I want to commend the City of
2 Chula Vista.

3 COMMISSIONER SCOTT: I'll move approval.

4 COMMISSIONER MCALLISTER: I'll second.

5 CHAIRMAN WEISENMILLER: All those in favor?

6 (Ayes.) This item also passes unanimously.

7 CHAIRMAN WEISENMILLER: Let's go on to Item 10.
8 Department of General Services. Possible approval of
9 Interagency Agreement 600-13-005, this is \$2 million and,
10 again, it's ARFVTP funding. And again, Thank.

11 MS. LOPEZ: So once again, Thanh Lopez from the
12 Emerging Fuels and Technologies Office. I am also
13 presenting for possible approval an agreement with the
14 Department of General Services, DGS, to install electric
15 vehicle supply equipment or EVSE in DGS-owned buildings,
16 parking garages, and surface lots throughout California.

17 In March 2012, Governor Brown issued Executive
18 Order B-16-12 laying the foundation to support 1.5
19 million Zero Emission Vehicles (ZEVs) which include all-
20 electric vehicles, plug-in hybrid vehicles, and fuel cell
21 electric vehicles by 2025.

22 As a near term goal for 2020, this Executive
23 Order specifies infrastructure be built to support the
24 fueling of one million Zero Emission Vehicles. DGS
25 currently owns 37 parking facilities statewide that do

1 not currently have EVSEs in place. Under this agreement,
2 DGS will evaluate approximately 75 parking facilities to
3 determine the need and priority for EVSEs and deploy
4 about 185 EVSEs within three years in both state fleet
5 vehicle areas and State employee parking where most cost-
6 effective and appropriate in order to fulfill the goals
7 of the Executive Orders.

8 Since Fiscal Year 2012 and '13, DGS has
9 deployed 65 EVSEs. As the State's Business Manager
10 responsible for real estate fleet and procurement
11 functions, DGS is uniquely positioned to effectively
12 install a significant number of additional EVSEs.

13 By funding this project, this contract will
14 help DGS support the goals of California's Zero Emissions
15 Vehicle Program, encourages and accelerates ZEV
16 deployment in California, and contributes to emission
17 reduction goals. The ZEV Action Plan promotes the
18 building of fueling infrastructure, increased vehicle
19 adoption, and to promote the development of ZEV-related
20 California jobs.

21 If approved, the Energy Commission will provide
22 \$2 million in Alternative and Renewable Fuel and Vehicle
23 Technology Program funds. Staff is requesting the
24 Commission's support and approval of the proposed
25 agreement.

1 With me in the room is Mr. Thomas Piette, DGS
2 Supervising Architect for the Energy and Sustainability
3 Programs, to speak briefly about the project. And if you
4 have any questions afterwards, we'll be happy to answer
5 them. Thank you.

6 CHAIRMAN WEISENMILLER: Great. Thank you.
7 Welcome.

8 MR. PIETTE: Good morning or afternoon, as the
9 case may be, Chair. My name is Tom Piette. I'm with
10 Department of General Services, Energy and Environmental
11 Section. And with me today is Susan Schorch. My staff
12 will be in charge of deploying the EVSE if we are
13 successful in receiving the Interagency Agreement.

14 As you know, Electric Vehicles and EVSE is an
15 important part of the Governor's Initiatives of Executive
16 Order B-18-12 and B-16-12, which directs the Departments
17 to purchase EVs and install EVSE. DGS was asked to serve
18 as the role model for these initiatives. It's critical
19 that DGS gain the experience of the train engineers and
20 installers and collect lessons learned, and roll that
21 experience out to the other State Departments.

22 DGS is well-suited for that role. We perform
23 architectural, engineering and project management
24 services for all of the departments within the State. We
25 also manage 16 million square feet of office space in the

1 major metropolitan areas which actually coincides with
2 the highest concentration of EVs. We are already in the
3 process of gathering the data on over 60 of our
4 buildings, parking structures and surface lots, and we
5 will prioritize these installations and install EVSE as
6 quickly and economically as possible.

7 I can tell you that demand at our building is
8 high and we are ready and eager to start. And thanks
9 again for your consideration and I'm available for any
10 questions you may have.

11 CHAIRMAN WEISENMILLER: Thank you. Thanks for
12 being here. Commissioners, any questions or comments?

13 COMMISSIONER SCOTT: I would just note that
14 Thanh's thorough presentation sort of covered everything
15 that I would have highlighted and I think it's great to
16 have DGS kind of helping us to lead by example about the
17 importance of Electric Vehicles and getting the charging
18 station infrastructure put in place.

19 COMMISSIONER HOCHSCHILD: I just want to chime
20 in briefly. I'm not by any means an Electric Vehicle
21 expert, but I've been endeavoring to get up to speed in
22 the field and I've been actually very encouraged by what
23 I've learned about the trend with lithium ion battery
24 cost reduction from Samsung and other manufacturers and
25 what I think that means for the future of EVs, and it's

1 just great to see the state get out ahead of this. When
2 Secretary Chu was here last week, he actually spoke quite
3 a bit about the Electric Vehicle future and I think it's
4 a bright future. Anecdotally, I know that often the
5 spaces we do have for State Government parking lots are
6 full, so it's good to see the demand, and thank you for
7 the good work you're doing.

8 COMMISSIONER SCOTT: I'll move approval of Item
9 10.

10 COMMISSIONER MCALLISTER: Second.

11 CHAIRMAN WEISENMILLER: All those in favor?

12 (Ayes.) This item passes unanimously. Thanks
13 again, Thank.

14 MS. LOPEZ: Thank you.

15 CHAIRMAN WEISENMILLER: Okay, let's go to the
16 Minutes.

17 COMMISSIONER DOUGLAS: Move the Minutes.

18 COMMISSIONER MCALLISTER: Second.

19 CHAIRMAN WEISENMILLER: All those in favor?

20 (Ayes.) The Minutes are unanimously approved.

21 CHAIRMAN WEISENMILLER: Let's go on to Lead
22 Commissioner and Presiding Member reports. Commissioner
23 Douglas.

24 COMMISSIONER DOUGLAS: Thank you, Chairman
25 Weisenmiller. I have two things to report. I've had the

1 opportunity to speak at the San Francisco Environmental
2 Bar Section of the San Francisco Bar Association about
3 the Desert Renewable Energy Conservation Plan. It was a
4 really nice dialogue and a pretty diverse group in terms
5 of the backgrounds of the attorneys and others who were
6 present, and it was a nice opportunity to talk about this
7 really important initiative.

8 I've just returned from a series of meetings in
9 Inyo County that we've actually still got some staff
10 attending. I went down with Jim Kenna who is the State
11 Director of the Bureau of Land Management, Roger Johnson,
12 our Deputy Director for Siting Transmission and
13 Environmental Protection, my Advisor and, among others,
14 and we had the opportunity to be present with the County
15 in order to both have some dialogue about the Desert
16 Renewable Conservation Plan and also be there with them
17 as they launch their public planning process that has
18 been facilitated by the planning grant program. And we
19 have actually two Memoranda of Understanding with Inyo
20 County, one that facilitates and just sets out our
21 partnership in planning around renewable energy and
22 conservation, the other which facilitates the exchange of
23 drafts and detailed pre-publication information with the
24 County. Both of those were approved -- have been
25 approved previously by the Inyo County Board of

1 Supervisors.

2 Director Kenna and I made a presentation to the
3 Board at a noticed public meeting. We had some really
4 good dialogue with all five Board members. I actually
5 recalled that my last visit to that Board, also at a
6 publicly noticed meeting, was about two and a half years
7 ago. And we had a good discussion. We then had a public
8 meeting on, again, both the Desert Renewable Energy
9 Conservation Plan, and the County's General Plan Update
10 for Renewable Energy and Conservation.

11 The meeting was very well attended. All of the
12 Inyo County Supervisors attended the full meeting, as
13 well, and we had a number of breakout sessions or
14 stations, really, really good public dialogue, really
15 good turnout. It was a very helpful and positive event,
16 I think, for both us and for the County, and it was clear
17 that the local people really appreciated the outreach.
18 So I got back from that fairly late last night, but in
19 any case, it was a beautiful drive over the Sierras and
20 Inyo County is a really spectacular place to visit, so I
21 appreciated their hospitality and their partnership.

22 CHAIRMAN WEISENMILLER: Great. Thank you.
23 Let's go to Janea.

24 COMMISSIONER SCOTT: I have actually been to a
25 whole bunch of different meetings which I probably won't

1 highlight here for you all, but I will tell you a little
2 bit. We had our AB 118 Advisory Committee Meeting in
3 early November, the first Monday in November. I think
4 that went really well, we had a good discussion with
5 folks. Everybody seemed pretty happy around the room
6 because AB 8 had been reauthorized, and so we've got a
7 nice -- we've got some time yet to continue thinking
8 about how to make these investments in transforming our
9 transportation system, and so it was a good meeting.

10 One of the things I wanted to highlight for you
11 all, and I'm not sure if you've had a chance to see yet,
12 is my Advisor, Lezlie Kimura-Szeto, worked closely with
13 the Cartography Team and with the Web Team to develop a
14 map of where all of the AB 118 projects are. And so
15 we've now got that up on our web page. I borrowed a page
16 from the DRECP and there's some overlays that you can put
17 on it, you can put old legislative districts, you can put
18 new legislative districts, you could put the Air Quality
19 Management Districts or Counties, and it's just a great
20 opportunity to kind of see what the projects look like,
21 how they're scattered around the state. You can zoom in
22 and out on it. For some of that functionality, you need
23 *Google Maps*, but a lot of it you can see -- not *Google*
24 *Maps*, *Google Earth* -- you can see it without *Google Earth*
25 -- and so that was really fun. We've got more than 250

1 projects, we've invested over \$400 million, and now
2 there's a way to kind of see it all in one big picture,
3 so we were excited to debut that at the meeting. I think
4 the Advisory Committee was excited to see the map, as
5 well.

6 I got to drive just a couple days ago Toyota's
7 Prototype Fuel Cell car, so that was great to see, it was
8 really fun to drive, they brought it by here and I think
9 they've been taking it around Sacramento; it's the one
10 that they debuted at the Japanese Auto Show a few weeks
11 ago. And so that was just something neat that I got to
12 do.

13 And then, just yesterday I was down in San
14 Diego and I had the opportunity to give a speech with
15 Felicia Marcus and Sandy Berg who is on the California
16 Air Resources Board to the Association of Women in Water,
17 Energy and the Environment, and so that was just kind of
18 -- and we had one woman in Water, Energy and the
19 Environment sitting up there talking, so that was a fun
20 chance to talk a little bit about what we do here at the
21 Commission and also how all of us kind of got to where we
22 are in life, and so that was a fun speech.

23 CHAIRMAN WEISENMILLER: Karen, I think, had --

24 COMMISSIONER DOUGLAS: I had one thing that I
25 forgot to mention. And Janea, you actually reminded me

1 of it when you brought up the mapping. On Thursday next
2 week, so November 21st from 1:00 to 3:00 p.m., we are
3 going to have a WebEx of the DRECP Gateway, which has
4 been created on the database in Platform, and it is an
5 incredibly sophisticated interactive way of both showing
6 maps and also showing very clearly decision mechanisms
7 and decision support for how the analysis in the DRECP is
8 put together. It not only is a way of showing
9 information, but it's actually, I mentioned, interactive
10 in a really interesting way because people can sign on to
11 the system, they can create their own workspace, they can
12 sign on from any computer with an Internet connection,
13 they can generate their own products and maps, and so on,
14 and they can share those with anyone they like. So for
15 example, we might see working groups between groups of
16 stakeholders where they generate products and work and
17 share with other groups, or within their groups, or
18 within their organizations. It's a really interesting
19 and really powerful tool, and this is actually our second
20 WebEx on the tool, but the difference is that with this
21 one we are actually putting much, although not all, of
22 the information that we're using in the analysis online,
23 and so it's really going live at this point. For
24 example, the results of the Species Models, large numbers
25 of other data layers, the intactness analysis and the

1 different constituent parts of that. So I really want to
2 encourage people to tune into the WebEx. The information
3 is online at DRECP.org, or you can look at the Energy
4 Commission website. If I can find the time, I'll
5 probably send out some personal invites to folks so that
6 we really get people online to listen to this and we'd
7 really like to get people familiar with this tool and
8 using this tool because this will help them understand
9 the analysis and ultimately be able to comment much more
10 effectively on the document.

11 CHAIRMAN WEISENMILLER: Very good. I remember
12 some of the early meetings about how that was coming
13 together and it was pretty exciting to put that
14 technology at work in ways that help us save the planet.
15 Andrew.

16 COMMISSIONER MCALLISTER: Just a couple things
17 to talk about. A couple of events I wanted to mention,
18 just by way of introducing a theme, the ISO Symposium,
19 the annual symposium was a few weeks ago now, and I think
20 quite a good conversation; that's really kind of become a
21 little bit of a who's who and everybody is there, and
22 it's a good interaction, I think, between stakeholders up
23 and down the sort of food chain of the electric system by
24 and large.

25 CHAIRMAN WEISENMILLER: I was going to say a

1 couple of years ago, for some reason we scheduled the
2 IEPR Transmission Workshop on the same day as the
3 symposium and nobody was in our room, really, nobody. It
4 was like I don't know what they were thinking, but
5 actually before I came back to the Commission.

6 COMMISSIONER MCALLISTER: Oh, funny. So, yeah,
7 the Chair's absence there was quite notable, and I'm sure
8 I didn't do them justice, but I think the sessions there
9 were helpful and, in particular, among the agencies was a
10 good opportunity to really get out in front of some key
11 stakeholders and talk about some of the challenges that
12 we face, really. And other than myself, the leads of the
13 agencies were there and it was just a good discussion, I
14 think.

15 The second event that I wanted to throw in the
16 mix here was the California Energy Efficiency Industries
17 Council had a meeting that I spoke at, as well, and it
18 was a similar theme in that several agencies were on the
19 dais together. And a different kind of venue, obviously
20 a different audience, but we're not just rehearsing this
21 interagency collaboration anymore, it's actually real.
22 You know, it's not just pro forma, it's actually
23 happening. And it's good. And the more of these
24 conversations we have, you know, in public and asking
25 hard questions, particularly those that came up at the

1 Energy Efficiency Industries Council, I mean, these are
2 guys making a living doing this stuff and they have
3 pretty well developed thoughts about what they think
4 should happen and they're, you know, I think challenging
5 us to put our cards on the table and really have the hard
6 conversations about how, in pragmatic terms, we're
7 collaborating together. And I think that's a good thing.
8 So obviously we can always do better and I think the more
9 we talk about this, to some extent the more relevant
10 questions come up about how we can do better and what
11 adjustments we can make and what timelines we can work
12 on. And that's sort of the nitty gritty of how we get
13 things done, and so I'm actually -- that's the kind of
14 thing that jazzes me up, you know, so long as we can
15 chart paths to improvement, that if we identify barriers,
16 we can solve them. So, thus far so good, I would say.
17 But clearly these are ongoing conversations.

18 And then I'll just mention, I spent last
19 weekend in D.C. for a few interesting -- well, D.C. and
20 San Antonio for one day. In D.C., the main things are
21 getting a bit more involved with other State energy
22 offices. I think as Governor Brown shows a desire to
23 really get out a little bit further in front of climate
24 change, even, and make sure that people see California's
25 leadership as something they can use as an organizing

1 principle for their efforts, there's a bit more of an
2 eagerness to get out and talk about what we're doing here
3 in California. And so I'm engaging with NASEO, the
4 National Association of State Energy Officials, to do
5 some of that, and frankly also to learn from some of the
6 other states that are doing progressive things. There
7 are some East Coast states that are doing really
8 interesting stuff and I think we benefit from being
9 engaged with them and being able to share experiences.
10 In particular, Massachusetts is a leader on some of this
11 stuff, we're neck in neck as far as the energy efficiency
12 score card, but I think you could actually expand that
13 where they've got policy makers that are really concerned
14 about climate change and we could learn from them, as
15 well -- very different context, but a lot of good ideas
16 coming out of that state and other states, as well.

17 The other notable event that I attended in D.C.
18 was the EPA Listening Tour. There was an event around
19 the 111(d) standard, so the existing power plant carbon
20 regulations that the Clean Air Act requires under Section
21 111(d) that EPA, too, developed. So obviously 50 states
22 and very different spaces, very different spots about
23 their current structure of their electric sectors, their
24 current carbon intensity, and their political landscapes.
25 So we wanted to make sure that California was represented

1 at that meeting. ARB staff is taking a lot of the lead
2 there in working with EPA and making California's desire
3 known, so I worked with them to make sure that I was
4 reflecting, messaging, for the state and also with our
5 staff here in the Siting Division and elsewhere, and in
6 Sylvia's group, as well. So it was very interesting to
7 hear the conversation. I would say EPA certainly is in a
8 listening mode, didn't show a lot of cards as to what
9 they're considering doing, but did see general acceptance
10 of a couple of things, 1) everybody wants some mechanism
11 to get credit -- and when I say "everybody," I mean the
12 states want some mechanism to get credit for the demand
13 side efforts that they're doing, sort of feed in energy
14 efficiency, demand response, and those sorts of things
15 into their carbon metrics so that they can have those
16 counted, a lot of effort, some ratepayer funding, other
17 funding going to those efforts, it makes sense that they
18 get counted with some calculation of the cleanness or the
19 carbon freeness of an electric system. And number 2, in
20 order to do that, I think there's an understanding or
21 appreciation of the fact that the devil is somewhat in
22 the details and that EPA hasn't traditionally been in the
23 energy efficiency business as much as the Department of
24 Energy has, and so I think there was a general consensus
25 among the states that it would be a good thing to help

1 EPA to get DOE involved there in some of those
2 discussions. And so I think that's going to generate a
3 bit of -- you know, potentially quite a bit of back and
4 forth with the states about how DOE ought to do that, and
5 we need to be engaged with that discussion going forward.
6 But the EM&V is obviously the monitoring and verification
7 of energy savings, particularly as something that's not
8 that easy and there's no standard around, and so that
9 eventually there could be something good to come out of
10 that if there were a standard for how to count some of
11 this stuff.

12 And then finally, in San Antonio, again, in the
13 outreach mode, the Border Energy Forum happened and it's
14 traditionally -- it's all the Border States on the
15 Mexican side and the U.S. side that get together and talk
16 about energy issues. And again, I took the California
17 message that we take carbon emissions and climate change
18 seriously to that group, which is a diverse group, many
19 environmentally oriented people, but also many many oil
20 and gas, particularly natural gas this year, folks, a lot
21 of industry presence. And so, you know, showing
22 California leadership on the climate front, obviously
23 gets some mixed reception in an audience like that, but
24 it's something that I think we have to do and our doors
25 are open to working with other states to harmonize and to

1 move down the road. You know, California's emissions are
2 big, but we're not going to get there by ourselves, so I
3 think the collaboration potential is large. Anyway,
4 those are my highlights for now. Thanks.

5 COMMISSIONER HOCHSCHILD: Well, first, let me
6 just say Karen left, but I just want to pay tribute to
7 her fortitude; we were at the Palen hearings a week or
8 two ago, she was sick as a dog, she looked like she
9 should be in bed with an IV, and she stuck it out and she
10 was -- I definitely would not have been able to do what
11 she did, she was there for the whole hearing, some very
12 lengthy hearings, so we're lucky to have her leading
13 Siting.

14 Not too much from me. I've been continuing to
15 meet with a lot of stakeholders, just had a meeting with
16 the Farm Bureau, which I dragged Rob to, spent half a day
17 with those guys, about eight large agricultural
18 operations, just getting their input on our policies and
19 I think it was a very fruitful dialogue.

20 Then I've been touring with a bunch of Clean
21 Energy companies in Silicon Valley and, in particular, I
22 was particularly impressed actually with Bidgely, what
23 they're doing on the Smart Meter, making use of this
24 feature which we're not doing today, but essentially the
25 idea that, you know, every household in the state has a

1 heartbeat, an energy heartbeat, and you can break it down
2 and see appliance by appliance in real time -- they do
3 10-second data -- so you can basically do these touchless
4 energy audits, be able to say, "Okay, you have a
5 dishwasher or refrigerator, and it's actually less
6 efficient than the newer models, so you can save this
7 percent." So it's quite interesting to see what the
8 potential of that could be.

9 Substantively, on Renewables, the big news is
10 we got 43 out of the 45 POUs have submitted, and the last
11 two we expect to be in by tomorrow, so we're happy to get
12 their procurement plans in and look forward to working
13 with them to make sure they all succeed in meeting the
14 RPS goals. So that's it for me.

15 CHAIRMAN WEISENMILLER: That's great. So since
16 the last meeting in early October, I've been to Italy and
17 D.C. Italy was more fun, frankly, but we won't go into
18 that one. In terms of D.C., I was there for a week. I'm
19 the Safety Liaison to the NRC for the State of
20 California, and every two years they have workshops for
21 the Safety Liaisons in the U.S., and go through the full
22 spectrum of Nuclear issues, they actually had a third day
23 which I didn't stick around for, which was dealing with
24 crisis communication; I would note they have a new
25 Operations Center and pretty high tech, walls of screens

1 and stuff, and I would note that when I was there, what
2 was left on the screen was an emergency drill they had
3 gone through with Diablo Canyon, so sort of -- it seemed
4 to be going smoothly, but anyway there was some hydrogen
5 issue there nominally, but they're set up so if anything
6 goes wrong, obviously they have to basically hit the
7 ground running and figure out what it is, and their
8 communications office, believe it or not, then has to
9 translate all this stuff into English to get out to
10 people and say what's going on and what are the
11 consequences.

12 Probably the most interesting session from my
13 perspective was the post-Fukushima and pretty -- I don't
14 know if I'd say scary or a depressing conversation. It's
15 pretty clear that the consequences of the accident was
16 such that it is certainly stretching or beyond the
17 capabilities of TEPCO and perhaps the Japanese
18 Government, to deal with it. And when you look at the
19 current pictures now, you know, over the top, you see
20 fields and fields filled with water containment vessels,
21 and during emergency situations, putting things out and
22 then going, "Oh, okay, maybe we should have put meters in
23 those to determine..." because they're also having
24 substantial leakage and they're not quite sure where the
25 leaks are coming from. And talking about some really

1 substantial engineering projects, you know, basically
2 freezing the ground around the site to prevent the
3 seepage. And so there is -- obviously it's much less
4 radiation than initially, but there's sort of a continual
5 flow of radiation into the water around there. And the
6 issue is potential concentration of that obviously in
7 fisheries. And an interesting conversation from the
8 State of Washington, where that poor soul's
9 responsibility is obviously to measure radiation releases
10 and sort of respond to the public on that, and he was
11 saying in the State of Washington, there's a lot of
12 interest in this issue, either from their organic
13 farmers, or people who consume a lot of fish. And so
14 they had to be monitoring that, they have to be trying to
15 explain to the public what risk, if any, there is, and
16 how that again certainly, if your business model is
17 you're doing very clean organic farming, saying, "Well,
18 there's just a little bit of radiation" is not
19 particularly conducive to your business model. And so
20 they really wanted to reach out to the West Coast states
21 because, again, it's going to be years before they can
22 control that release, to figure out sort of monitoring up
23 and down the coast. And it was interesting, Alaska which
24 in many respects is not necessarily seen as in the
25 forefront in the environmental movement, their

1 representative was saying they really needed to be part
2 of that because, again, particularly their indigenous
3 people eat a lot of fish and they're obviously closer to
4 Japan, without quite getting to the current flows or
5 stuff. So that was a big issue.

6 In terms of other things, I did a TV interview
7 which I think has now been shared with all of you, and
8 I've just got a note from a Pennsylvania official who
9 told me fracking is not as bad as I implied, but anyway...
10 So in terms of other meetings, I talked to a lot of
11 people about sort of life after San Onofre and pretty
12 good meetings, I certainly talked to the FERC
13 Commissioners on that. I also talked to them about the
14 energy imbalance market, and I would note that the last
15 ISO Board meeting, you know, very significant steps there
16 in terms of approval of the application to move forward
17 with that, and the announcement from Nevada that they
18 will also join the energy imbalance market. So pretty
19 good conversations with the FERC Commissioners about next
20 steps there.

21 And I also met with Senator Feinstein, I met
22 her with Andrew, we both had dinner and did some tag team
23 meetings where we were both there which was good, met
24 with people on climate change, the Department of Energy.
25 Once I was back there, I was going to take advantage of

1 that many people; I also met with Denny McGinn, who is
2 Jackie Pfannenstiel's successor and a Navy Assistant
3 Secretary, so it was a good meeting, although I would
4 say, and certainly Janea knows, trying to get into the
5 Pentagon, you know, and through Security, is not -- you
6 have to build in about an hour at that first thing in the
7 morning, and then getting -- the Pentagon is such a huge
8 facility, then getting from that point out to where
9 you're going is not -- yeah, it's definitely one of the
10 things where, if you're going to the Pentagon, really
11 plan to spend a block of time there.

12 COMMISSIONER MCALLISTER: At least you don't
13 have to get exercise before going to the Pentagon.

14 CHAIRMAN WEISENMILLER: Well, yeah. So I go
15 running back to the Capitol building and, of course, to
16 get there, and everyone is standing out on the lawn, you
17 know, they had had a fire drill, which they obviously
18 hadn't told any of the Congressional staff, and so I'm
19 trying to figure out, well, how do I meet with people
20 when they're scattered everywhere? But eventually we
21 succeeded. So anyway, it was a good trip is the bottom
22 line, not as much fun as Italy, but pretty productive, I
23 think, from an energy perspective.

24 COMMISSIONER HOCHSCHILD: Can I just ask you,
25 you mentioned the nuclear, and I know that the Fukushima

1 event caused Germany basically -- I know they're getting
2 off nuclear by 20 -- I forget what the date is -- 2022 or
3 something -- what is Japan doing?

4 CHAIRMAN WEISENMILLER: Basically in Japan they
5 are looking at obviously renewables. Well, I probably
6 should step back, Japan has always been very impressive
7 in what they do on energy efficiency, as you know, it's a
8 country without really any natural resources in the
9 fossil fuel area, huge LNG importer -- huge. But on
10 energy efficiency, I don't know if you've had a chance to
11 talk to -- I mean, they just have a lot of very
12 impressive technology, do a lot of very interesting
13 things.

14 COMMISSIONER MCALLISTER: Well, their power
15 prices are so high that it drives incredible amounts of
16 energy efficiency right there, and rooftop solar, as
17 well.

18 CHAIRMAN WEISENMILLER: And rooftop, but, I
19 mean, like Osaka Gas, which I did work for before I came
20 here, at least through affiliate, I mean, they have like
21 residential cogen projects, you know, water heating and
22 -- but a lot of stuff also geared at industry. Again,
23 industry is pretty hard to come up with specific programs
24 for, but they really -- like you'll get cement
25 manufacturing, whatever, they're really pushing envelopes

1 there. And now they're certainly looking at renewables
2 of both PV and offshore wind. They're slow to develop
3 geothermal because of some of the basic issues. That
4 resource, at least what you find is, obviously, sort of
5 spas and then the concern is you start drilling during
6 the --

7 COMMISSIONER HOCHSCHILD: I was just wondering
8 like what portion of Japan's incumbent nuclear resource
9 is going to remain versus --

10 CHAIRMAN WEISENMILLER: That's a huge huge
11 political issue there. You know, they -- I think the
12 Premier at the time of the accident would basically say
13 shut everything down, and the current Premier is trying
14 to restart, and I think there's also local issues, so
15 it's -- you know, in some respects it's certainly
16 anyone's guess, or at least there are much more
17 knowledgeable people than I on exactly what happens
18 there.

19 The NRC did have a session on new reactors,
20 although they basically are looking at -- there are five
21 plants under construction in the U.S. now, and last year,
22 coincidentally, there were five plants that are now
23 shutdowns. And so they certainly indicated that they're
24 not particularly optimistic on a nuclear renaissance, you
25 know, just in terms of they would attribute it to

1 fracking, finance, but there was a lot of discussion of
2 module reactors. And at the same time, obviously, that
3 the nuclear reactor people talked, I think the
4 decommissioning people talked. And again, they seem to
5 be shifting staff from one area to the other.

6 Okay, so Chief Counsel's Report. Oh, actually
7 I should note -- excuse me -- that the PUC this morning
8 voted out EPIC four to zero. Commissioner Peterman
9 recused herself and it seemed like a very good decision.
10 So again, certainly I've sent a note to President Peevey
11 thanking him for that good leadership in this area and
12 support, but very good news from our perspective.

13 MR. OGATA: Thank you, Chair Weisenmiller.
14 Jeff Ogata, pinch hitting for Mike Levy this morning, who
15 is not feeling well. We are not requesting a closed
16 session. Related to the information about EPIC, I think
17 part of the reason why Mr. Levy is not feeling well is
18 because he and several members of our staff have been
19 working over the weekend and late into the nights to
20 finish our 15-page letter brief filing today in the SCE
21 vs. CPUC matter down in the Second District Court of
22 Appeal, so we're filing that today. We spent a lot of
23 time paring down this brief, which was over 35 pages at
24 one point because there was some informal direction that
25 we keep it to 15 pages, so it was quite an effort on

1 several folks on our staff, and Mr. Levy spent, I know,
2 late into this morning finishing that brief up, which is
3 why he asked me to come to the Business Meeting this
4 morning for him. That concludes my report.

5 CHAIRMAN WEISENMILLER: Thank you. Executive
6 Director's Report.

7 MR. OGLESBY: Nothing to add.

8 CHAIRMAN WEISENMILLER: Public Advisor's
9 Report.

10 MR. ROBERTS: Nothing to report.

11 CHAIRMAN WEISENMILLER: Public Comment?

12 MR. ROBERTS: Mr. Splitt has decided to wait
13 until the next meeting.

14 CHAIRMAN WEISENMILLER: Okay, great. Okay, so
15 with that we're adjourned.

16 (Whereupon, at 12:29 p.m., the Business Meeting was
17 adjourned.)

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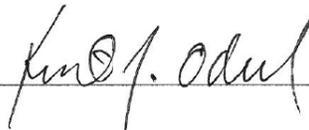
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Kent Odell
CER**00548

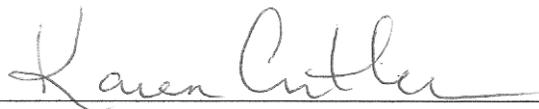
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