

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

In the matter of:)	Docket No. 14-EUDP-01
)	
Nonresidential Building Energy Use Disclosure Program)	ORDER INSTITUTING
)	INFORMATIONAL PROCEEDING
)	
)	Order No. 14-0618-9

INTRODUCTION

Public Resources Code section 25402.10 requires electricity and gas utilities to maintain benchmarking of energy consumption for nonresidential buildings in the state of California, and requires the disclosure of benchmarking data to prospective buyers, lessees, or lenders of commercial property. The Energy Commission’s created regulations implement the Nonresidential Building Energy Use Disclosure Program, including the established schedule for compliance, which is set forth in Cal. Code Regs., tit. 20, Division 2, Chapter 4, Article 9, section 1680 et seq.

The purpose of this Order Instituting an Informational Proceeding (OII) is to evaluate program implementation success, and identify barriers to compliance. The Commissioners with primary responsibility for overseeing implementation of Nonresidential Building Disclosure Program, Commissioner Andrew McAllister, Lead Commissioner for Efficiency, and Commissioner Karen Douglas, the Lead Commissioner for Compliance and Enforcement, determined that a better understanding is needed in regards to this law, and how its implementation has been received by all industry stakeholders.

Accordingly, the California Energy Commission hereby adopts an Order Instituting an Informational Proceeding, whereby all stakeholders and other interested persons may participate in the process to evaluate the efficacy of the Nonresidential Building Energy Use Disclosure Program, consider barriers to compliance with the program, and potential actions in order to make the program more effective and achieve greater levels of compliance by utilities and building owners. Commissioner McAllister is designated the Lead Commissioner for the OII, and he will be assisted by Commissioner Douglas.

I. AUTHORITY

Pursuant to Public Resources Code Sections 25210 and 25402.10, and Cal. Code Regs., tit. 20, § 1220 et seq., the Commission hereby adopts an order instituting an informational proceeding. This order directs the Lead Commissioner and Executive Director to take appropriate steps under the law, including Public Resources Code section 25210, to collect the information necessary to improve the Commission’s Nonresidential Building Energy Use Disclosure Program that implements Public Resources Code section 25402.10.

II. NATURE AND PURPOSE OF THIS PROCEEDING

The Commission is conducting this informational proceeding to obtain comments from interested stakeholders on the following aspects of the Nonresidential Building Energy Use Disclosure Program that implements Public Resources Code: 25402.10.

The Energy Commission is specifically interested in the following:

1. Energy Commission Staff Comments

- What is AB 1103 and the value and benefits of disclosure.
- AB 1103 Compliance Rate.
 - Universe of buildings affected by this program in 2014. How many building transactions have complied.
- AB 1103 and the link to AB 758

2. Disclosure programs in local jurisdictions and other states

- Local: San Francisco Mandate
- Other cities and states: Chicago, Boston, New York
- Experience
 - For other states, how did they work with building owners and utilities, how did they handle confidentiality issue, how did they handle disclosure, how data is used.

3. Building Owners, Realtors, Brokers

- California Association of Realtors
- Experience with program implementation
- Barriers/Challenges
- Recommendations for improvement

4. Utilities

- What compliance path is used (Spreadsheet or Web Services)
 - Requiring tenant consent?
- Number of customers requests received since January 1, 2014
- Barriers/Challenges
 - Statute, regulations, decision, tariff structures
 - Health and Safety
 - Privacy of Data
 - Tariff structures
 - Technical
 - IT
 - Size and type of building change concerns
- Recommendations for improvement

III. PROCEDURE GOING FORWARD

The Commission hereby authorizes the Lead Commissioner and the Executive Director to conduct workshops and hearings to gather information and develop recommendations to improve the Nonresidential Building Energy Use Disclosure Program that implements Public Resources Code section

25402.10. The Lead Commissioner and Executive Director may solicit written comments and conduct one or more public hearings designed to gather and assess information by allowing interested stakeholders the opportunity to provide their opinions, recommendations, and any pertinent information that may assist the Commission in performing its duties.

It is anticipated that this proceeding will cover, at a minimum, the topics described in detail above and may result in recommendations for Commission consideration in a future rulemaking.

IV. PUBLIC PARTICIPATION

The Commission encourages public participation. Petitions to intervene are not necessary. The first public workshop will be held on July 2nd, at the offices of the Commission, 1516 Ninth Street, Sacramento, California. The second public workshop will be held on July 7th, 2014.

The Lead Commissioner or Executive Director will issue a notice stating the scheduled time and room of the workshop and provide additional information about participating.

The Energy Commission may hold additional workshops to address these issues, or may reschedule the July 2nd and July 7th workshops. If any changes to or additional workshops are scheduled, they will be publicly noticed as provided below and in accordance with applicable laws.

The workshop will be wheelchair accessible.

Remote Access will be available by computer or telephone via WebEx™.

Any person present at the workshop shall be afforded reasonable opportunity to make comments. Written comments are also welcome. Please submit written comments to:

California Energy Commission - Docket Unit
Attn: Docket No. 14-EUDP-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

The Energy Commission encourages comments by e-mail and electronic submission, up to 5 MB. Please include your name and any organization name. Comments should be in a downloadable, searchable format such as Microsoft® Word (.doc) or Adobe® Acrobat® (.pdf). For additional information, see Standing Order re: Proceedings and Confidentiality Procedural Requirements for Filing, Service, and Docketing Documents with the Energy Commission, available at:
http://www.energy.ca.gov/dockets/documents/2011_Standing_Order_for_Documents.pdf.

Please note that your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and any other internet search engines.

Interested persons who would like to receive subsequent notices of actions in this proceeding should subscribe to a Building Energy Efficiency Standards Enforcement list server at <http://www.energy.ca.gov/efficiency/listservers.html> to receive email updates about the proceeding.

Please note that by subscribing to this List Server, you are authorizing the Energy Commission to provide you information, notices, and other communications by electronic mail.

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at PublicAdviser@energy.ca.gov or (916) 654-4489 (toll free at (800) 822-6228).

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989.

If you have questions on the subject matter of this meeting, please contact Daniel Johnson at Daniel.johnson@energy.ca.gov or (916) 651-3746.