

Rhodes, Taylor@Energy

From: Rhodes, Taylor@Energy
Sent: Thursday, January 22, 2015 3:56 PM
To: 'info@app-techinc.com'
Cc: Ashuckian, Dave@Energy; Collopy, Christine@Energy; Geiszler, Eurlyne@Energy; Ogata, Jeffery@Energy; Brehler, Pippin@Energy
Subject: APP-TECH Incorporated Petition for an Emergency Rulemaking, Docket number 15-MISC-01
Attachments: Letter re Petition for an Emergency Rulemaking 2013 Building Eff. Stds.pdf

Hello Mr. Splitt,

I have attached an electronic courtesy copy of a letter, and supporting Memorandum, from Energy Commission Executive Director Robert Oglesby certifying that your petition, submitted January 14, 2015, is complete. A hard copy has been mailed to you today.

Please feel free to contact me should you have any additional questions or concerns.

Thank you,

Taylor G. Rhodes

Attorney for
The California Energy Commission
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CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
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January 20, 2015

Patrick Splitt
APP-TECH Incorporated
235 Blackburn Street
Santa Cruz, CA 95060
Phone: (831)458-0485
info@app-techinc.com

Subject: Petition for an Emergency Rulemaking on the 2013 Building Efficiency Standards, Docket No. 15-MISC-01

Mr. Splitt:

I am writing to notify you that I have determined your petition for an emergency rulemaking to be complete under California Code of Regulations, title 20, section 1221. For your information, I have enclosed my certification, memorandum to the Commission, that your petition is complete.

As you discussed with Energy Commission Staff Attorney, Taylor Rhodes, via telephone on January 16, 2015, section 1221 requires the Energy Commission to make a determination on your petition at a Business Meeting within thirty days of the date your petition was filed. The next scheduled Business Meeting is February 25, 2015, which is more than thirty days from the date you filed your petition, January 21, 2015. You have agreed to waive time, beyond the thirty days, until February 25, 2015, for the Energy Commission to consider your petition. We thank you for your cooperation in this matter.

If you have any questions about how to participate in an Energy Commission Business Meeting, please contact the Public Adviser, Alana Mathews, at (916) 654-4489, toll free at (800) 822-6228, or at publicadviser@energy.ca.gov. We will send you an e-mail with the business meeting agenda once it has been published. If you would prefer to receive communications by U.S. mail, please let us know as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Oglesby", written over a horizontal line.

Robert Oglesby
Executive Director
California Energy Commission

//Enclosure

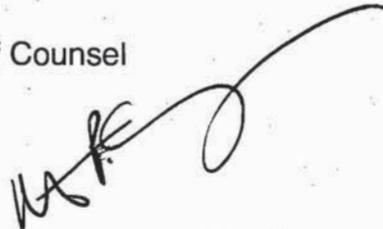
Memorandum

To: Robert B. Weisenmiller, Ph.D, Chair
Karen Douglas, J.D., Commissioner
Andrew McAllister, Commissioner
David Hochschild, Commissioner
Janea A. Scott, Commissioner

Date: January 20, 2015

Cc: Alana Mathews, Public Adviser
Jeff Ogata, Acting Chief Counsel
Pippin Brehler, Acting Assistant Chief Counsel
Taylor G. Rhodes, Attorney

From: Robert Oglesby, Executive Director
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512



Subject: Petition for an Emergency Rulemaking on the 2013 Building Efficiency Standards, Docket No. 15-MISC-01

On January 14, 2015, Mr. Patrick Splitt of APP-TECH Incorporated submitted a petition for an emergency rulemaking.¹ On January 15, 2015, Mr. Splitt submitted supplemental information that was referenced in his January 14th petition.² And, on January 20, 2015, Mr. Splitt requested that we replace his January 14th petition with a new version to correct an incorrect date in the header of his original petition.³

Mr. Splitt requests that the California Energy Commission initiate an emergency rulemaking proceeding to correct errors in the 2013 California Energy Code, located in parts 1 and 6 of title 24 of the California Code of Regulations, and associated documents. Mr. Splitt states, in his petition, that the reason for this request is:

1. To correct errors in the 2013 Energy Code to make the current Standards clearer, easier to use and more easily enforceable. The Standards should be structured to allow for maximum design flexibility to meet the State's 2020 ZNE goals, rather than throwing up roadblocks to innovation at every turn.
2. A secondary goal of this petition is to try and identify the problems with the adoption process that allowed these errors to be codified in the first place. If this is not done, the 2016 Energy Code will be just as hopelessly dysfunctional as the original 2013 Code.

I have reviewed the petition and the supplemental information and have determined that the documents contain the information specified in subsection (a) of California

¹ Docket number 15-MISC-01, TN 74291.

² Docket number 15-MISC-01, TN 7429, TN 74293.

³ Docket number 15-MISC-01, TN 74331.

Code of Regulations, title 20, section 1221. Therefore, I certify the petition as complete.

Energy Commission Attorney, Taylor Rhodes, discussed with Mr. Splitt via telephone on January 16, 2015, that section 1221 requires the Energy Commission to make a determination, on the petition, at a Business Meeting, within thirty days of the date the petition was filed. The next scheduled Business Meeting is February 25, 2015 which is more than thirty days from the date the petition was filed. Mr. Splitt has agreed to waive time, beyond the thirty days, until February 25, 2015, for the Energy Commission to consider the petition.

I will therefore instruct staff to schedule the matter for the February 25th, 2015 Business Meeting. During the February 25th, 2015 Business Meeting, the Energy Commission will consider whether to deny the petition, stating the reason for the denial in writing, or grant the petition, directing the staff to prepare an appropriate order pursuant to Code of Regulations, title 20, section 1222.