

**CALIFORNIA ENERGY COMMISSION**

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

<b>In the matter of:</b>	)	<b>Docket No. 15-OIR-04</b>
	)	
	)	<b>ORDER INSTITUTING</b>
<b>Nonresidential Building Energy Use Disclosure Program</b>	)	<b>RULEMAKING PROCEEDING</b>
	)	
	)	<b>Order No. <span style="background-color: yellow;">XX-XXX-XX</span></b>

The California Energy Commission (Energy Commission) hereby adopts an Order Instituting a Rulemaking Proceeding (OIR), directing the Lead Commissioner for Efficiency and the Executive Director to take appropriate steps under the law, including Public Resources Code Section 25213, to propose and adopt revised regulations for the Energy Commission's Nonresidential Building Energy Use Disclosure Program (Program), which implements Public Resources Code Section 25402.10.

## **I. BACKGROUND**

Public Resources Code Section 25402.10 requires electric and gas utilities to maintain records of the energy consumption data of all nonresidential buildings to which they provide service, and to upload this data into the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager (Portfolio Manager) upon authorization of the building owner or operator. This section further requires the building owner or operator to disclose the Portfolio Manager benchmarking data and ratings for the most recent 12-month period to a prospective buyer, lessee of the entire building, or lender that would finance the entire building, pursuant to a schedule developed by the Energy Commission. The Energy Commission adopted regulations to implement this requirement, including establishing a schedule for compliance, which are set forth in Title 20, Section 1680 et seq. of the California Code of Regulations.

On July 2, 2014, the Energy Commission issued an Order Instituting an Informational Proceeding (OII) to investigate barriers to compliance with the Program. The docket for the OII is 14-EUDP-01. The Energy Commission received comments from stakeholders and interested parties. After reviewing these comments, Energy Commission staff developed a draft proposal for revisions to the Program regulations, published on February 10, 2015. This staff proposal was the subject of the workshop held on February 20, 2015. The comment period for staff's proposal and the pre-rulemaking workshop ended on March 6, 2015.

## **II. AUTHORITY**

This action is taken pursuant to Public Resources Code Sections 25213 and 25402.10, and Title 20, Section 1220 et seq. of the California Code of Regulations.

## **III. NATURE AND PURPOSE OF THIS PROCEEDING**

The purpose of this OIR is to revise the regulations for the Program, and recommend potential actions to make the Program more effective and achieve greater levels of compliance.

The Energy Commission anticipates filing the proposed regulations with the Office of Administrative Law and initiating a rulemaking process, by publishing a Notice of Proposed Action in the California Regulatory Notice Register, and following the procedures set forth in the Administrative Procedures Act set forth in Government Code Sections 11340 et seq.

As the Lead Commissioner for Efficiency, Commissioner Andrew McAllister will lead this proceeding. The Lead Commissioner and staff may conduct workshops and hearings before or after initiating the rulemaking process.

## **IV. FUTURE WORKSHOPS OR HEARINGS**

The Energy Commission may hold additional workshops or hearings to address these regulations. If additional workshops or hearings are scheduled, they will be publicly noticed and in accordance with applicable laws. Remote access will be available by computer or telephone via WebEx™, and any person present at the workshops shall be afforded reasonable opportunity to make comments orally and to submit written comments.

## **V. PROCEDURE FOR FILING COMMENTS IN THIS PROCEEDING**

In the course of this proceeding, the Energy Commission will solicit public comments. Any interested person may present oral comments at any hearing or workshop held pursuant to this proceeding.

Written comments may be submitted using the Commission's new electronic commenting system. Visit the website at <http://www.energy.ca.gov/ab1103/rulemaking.html> and click on the "**Submit e-Comment**" link.

This will take you to the page for adding comments to that docket. Please enter your contact information and comment title. You may include comments in the box titled "comment text" or attach a file with your comments. Attached comments must be in a Microsoft Word® (.doc, .docx) or Adobe® Acrobat® (.pdf) formatted file.

The Energy Commission encourages use of its new electronic commenting system, but written comments may also be submitted by handing them directly to the Public Adviser, by e-mailing them to the Dockets Office, or by U.S. Postal Service to:

California Energy Commission  
Dockets Office, MS-4  
Re: Docket No. 15-OIR-04  
1516 Ninth Street  
Sacramento, CA 95814-5512

Please include the rulemaking docket number 15-OIR-04, and indicate “Nonresidential Building Energy Use Disclosure Program Rulemaking Proceeding” in the subject line or first paragraph of your comments.

Written comments may be posted to the Energy Commission’s website for the proceeding. 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. This information may become available via Google, Yahoo, and any other search engines.

## **VI. PUBLIC PARTICIPATION**

Interested persons who would like to receive subsequent notices of actions in this proceeding should subscribe to the Program Listserv at <http://www.energy.ca.gov/ab1103/rulemaking.html>.

Please note that by subscribing to this ListServ, 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, Alana Mathews, at [PublicAdviser@energy.ca.gov](mailto: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](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

If you have questions on the subject matter of this meeting, please contact Abhilasha Wadhwa at [abhilasha.wadhwa@energy.ca.gov](mailto:abhilasha.wadhwa@energy.ca.gov) or (916) 653-0378.

## CERTIFICATION

The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on March 11, 2015.

AYE:

NAY:

ABSENT:

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HARRIET KALLEMEYN,  
Secretariat