

February 24, 2012

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Commissioner Karen Douglas  
Lead Commissioner for Energy Efficiency  
California Energy Commission  
1516 9th St., MS-31  
Sacramento, CA 95814

RE: Comments on Docket 10-BSTD-01, "Proposals For Certification of Acceptance Testing Field Technicians For Mechanical Systems and Lighting Controls"

Dear Commissioner Douglas:

We encourage you to oppose further consideration of Docket 10-BSTD-01, "Proposals For Certification of Acceptance of Field Technicians For Mechanical Systems and Lighting Controls," as drafted at present; we believe that this proposal is wrong, inaccurate, and would be taking a step backward in insuring the success of Title 24's energy code.

As currently written, the proposal would allow only licensed testing, adjusting, and balancing (TAB) and electrical contractors to perform acceptance tests, as required by Title 24, the state's non-residential energy code. Licensed engineers, commissioning agents, control contractors, general contractors, and other parties uniquely qualified to analyze test results relative to the building envelope would be prohibited from conducting these assessments. As a result, the number of individuals permitted to perform these tests would be restricted dramatically, which, consequently, might raise the costs of compliance, while, coincidentally, diminish the effectiveness of these tests resulting in poor energy performance of electrical, plumbing and mechanical systems. Moreover, the proposal would unreasonably prohibit engineers and other individuals from performing duties that they are indeed well-qualified to do. In short, adopting the provisions outlined by this proposal would impose a restraint-of-trade restriction upon engineers and commissioning agents to the benefit of TAB contractors, air balance agents, and electrical contractors – the very individuals installing the equipment the effectiveness of which they would be sanctioned to guarantee.

The initial (2005) mechanical testing requirements were collaboratively drafted by a broad group of stakeholders. As far as we can establish, the TAB contractors and balancing agents declined to participate in the process. We find it inappropriate their representative organizations are now aggressively pursuing revisions solely to their constituencies' narrow commercial advantage. Conversely, engineers and commissioning agents were actively involved in the development of these standards and consistently reached out to the aforementioned industries and were met with little interest or expertise.

Our experience in commissioning projects since 2002 has shown that a 3<sup>rd</sup> party independent commissioning services provider is truly the only entity to act as an advocate for the Owner and the State of California. Our first hand experience in working with the test adjust and balance contracting community has resulted in multiple reviews of air and water balance reports to obtain even the minimum requirements for certificates of occupancy. The trials and tribulations of having contractors provide adequate documentation of equipment start-up would boggle the mind. By having the contracting community provide validation that systems satisfy the Title 24 energy requirements is akin to not having local city code enforcement. There is simply no motivation for contractors to provide systems which operate to the engineer's design intent and the owner's project



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requirements.

To sum up, we recommend that the proposal put forward speaking to these issues be rejected on the following grounds:

- Restraint of trade;
- Possible increased costs of compliance with state standards;
- Exclusion of qualified individuals from performing the work;
- Prohibition of third-party independent testing of “systems”; and
- Decreased efficacy of acceptance testing due to a lack of expertise and experience.

We stand ready to aid you in efforts to oppose Docket 10-BSTD-01. Should you need further clarification of our position or assistance, please feel free to contact me for additional information.

Respectfully Submitted,

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