From: "Sivakumar, Sudheera" <Sudheera.Sivakumar@stantec.com>
To: "PublicAdviser@energy.ca.gov" <PublicAdviser@energy.ca.gov>
CC: "oawolowo@energy.ca.gov" <oawolowo@energy.ca.gov>, "mshirakh@energy.stat...
Date: 2/24/2012 10:19 AM
Subject: RE: Comments on Docket 10-BSTD-01, "Proposals For Certification ofAcceptance Testing Field Technicians For Mechanical Systems and LightingControls"

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, and inaccurate.

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. 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.

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 us for additional information.

Sincerely,
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