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To: Energy - Docket Optical System
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California Energy Commission
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CONTROLLED ENERGY
Energy Efficient Lighting & Controls

June 8, 2015

California Energy Commission
Dockets Office, MS 4
1516 Ninth St.
Sacramento, CA 95814-5512

RE: Docket No. 15-BSTD-01
Adoption of 15-day language for the 2016 Building Efficiency Standards

Members of the CEC:

We are writing to ask that you adopt the 15-day language as it was published. While it does not restore the robust energy conservation marketplace prior to the 2013 Title 24 standards, it does correct some of the most egregious errors in those standards.

The 2013 Title 24 essentially shut down the lighting retrofit industry and eliminated the kWh savings it had been reliably generating for the last 3 decades. When my technicians were idle, energy savings were not being realized in contrast to the times during the last 30 years when they were working full time, providing our customers with substantial electrical savings and earning a good living for their families. 80% of my technicians were laid off in 2014 and have not returned because the work that would justify rehire is not to be found, all because of the expensive, complicated 2013 Title 24 standards that made lighting retrofit unfeasible or unpalatable to the marketplace.

We noticed that a number of IBEW union electrical contractors have written to the CEC asking for full restoration or even an enhancement of the 2013 standards. That should be no surprise to the CEC or others in the lighting field. My company is signatory to the Fixture Maintenance Contract with IBEW, a classification that is essentially identical to the State's Non-Residential Lighting Technician certification, which was modeled on the Fixture Maintenance classification. IBEW and NECA (the National Electrical Contractors Association), the union contractor's organization, worked together to get the electrical certification legislation formulated and approved because they felt it would provide an advantage to the union contractors and workers who had a robust training program in contrast to the largely unorganized non-union electrical contractors in the field.

In May 2015 IBEW and NECA working together through their Labor Management Cooperation Committee put out a letter to union contractors asking that they "help strengthen NECA's lighting controls market share" by flooding the CEC with letters written by the Committee. Interesting that the Committee wrote 50 different letters that it sent out to 50 different contractors and asked them to "put your company's logo or letterhead on it, fill in the blanks,...and a signature. ...Don't forget to take the emails out of the document once you are ready to send it."

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This lobbying is not surprising given IBEW/NECA lobbying for other legalized advantages for market share in the past. But one part of it is disconcerting, because that same letter stated that: "The CEC is trying to rollback the standards which will return market share to our retro-fitters and unskilled competitors." I have to assume that my company is included in that category, and I resent it. When my local union hall wanted an energy upgrade for their building's lighting, they called on us and we provided it, lighting controls included. Recently, we also received a referral from them to a customer who wanted an occupancy sensor upgrade at a warehouse that already had daylight harvesting installed by a union contractor and needed to have the two conjoined. We did that as well.

Lighting retrofit and new construction are very different animals. Union electrical contractors with Inside Wiremen workers do not do much retrofit, if any, and lots of new construction, tenant improvement, etc.. In fact, most of our subcontract work for union contractors is for the lighting retrofit—their electricians don't want to do it and do not do it cost-effectively after it becomes repetitious and boring, and sometimes refuse to do it at all. We have experienced all of these situations.

This means that the IBEW/NECA contractors are not going to be doing many retrofit projects, if any at all. They will not be serving that market, large or small; it's not in their DNA or market plan. Their estimators turn to companies like mine for quotes on that sort of work. **Their effort to eliminate the retrofitting industry from lighting energy conservation should be regarded as simple market share aggrandizement effort, and nothing more. It is not beneficial to the state because it prevents lighting retrofits from happening and the energy saving they produce.**

Our recent and only Title 24 project should interest the CEC. In a Tenant Improvement project in a highrise in Oakland, we removed expensive daylight harvesting ballasts and installed Advance powerline carrier dimming ballasts in their place. An intended outcome of Title 24 2013 regulations?

We approve the changes in the 15 day language, while holding our noses. It will do too little, too late for many of the vendors in our industry who are surviving on lifelines. **We approve them only because doing nothing will be calamitous for the industry and for energy saving in California.** This last note is important, because that is why we got into this industry in 1985: eliminating energy waste is the right thing to do on this planet—and more recently because of its deteriorating condition. We didn't know about global warming then; waste was simply wrong.

Most of those who oppose the changes proposed have powerful material motivations and a lesser degree of commitment to energy conservation (e.g. Lutron, Acuity). For more than 30 years, the retrofitting industry has been responsible for the sales and implementation of effective energy conservation in California.

The CEC would not be considering changes in its wonderfully-engineered plan if it had not worked. Admit that it did not, without saying it, by adopting these small changes.

And make the changes effective on June 10, 2015, to avoid the continued hemorrhaging of the energy conservation industry that has produced results for 30 years running.

Don Link, President