



**California Energy Commission
February 14, 2024 Business Meeting
Backup Materials for Agenda Item No. 03b:
National Energy Management Institution Committee (NEMIC) Amendment to
Provider Application**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Order, attached below.
2. Memorandum of Understanding, attached below.

For the complete record, please visit: [13-ATTCP-01](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=13-ATTCP-01) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=13-ATTCP-01>.

To stay informed about this project and receive documents as they are filed, please subscribe to the proceeding Topic "Building Energy Efficiency Standards", which can be accessed [here](https://public.govdelivery.com/accounts/CNRA/signup/31895): <https://public.govdelivery.com/accounts/CNRA/signup/31895>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***Amendment to Acceptance Test
Technician Certification Provider
Application under 2022 Building
Energy Efficiency Standards***

Docket No.: 13-ATTCP-01

**Order approving the National Energy
Management Institute Committee's
proposed Acceptance Test
Technician Certification Provider
Amendment Report**

I. BACKGROUND

The Acceptance Test Technician Certification Provider (ATTCP) Program addresses training, certification, and oversight of acceptance test technicians (ATTs), as well as the acceptance test employers (ATEs). The technicians perform the tests required by the Building Energy Efficiency Standards (Energy Code), and the employers are responsible for the technician's work. Acceptance testing ensures that installed equipment, controls, and systems in nonresidential buildings operate as required by the Energy Code.

ATTCPs are professional organizations that are approved by the CEC to provide training curricula for ATTs and ATEs, certification procedures, complaint resolution (including disciplinary procedures), quality assurance, and accountability measures.

Section 10-103.2(f) of the Energy Code permits ATTCPs to submit an amendment report to their previously approved application. Amendment reports with substantive changes are subject to the application review and determination process specified in Section 10-103.2(e).

The National Energy Management Institute Committee (NEMIC) was approved by the CEC on October 12, 2022, to be an ATTCP under the *2022 Energy Code*. NEMIC proposes to make modifications to its ATTCP program that result in changes to the application material that was previously approved.

On November 21, 2023, NEMIC submitted an amendment report that includes the following substantive changes:

1. Removing a 3rd party audit firm that was identified in its original application whose role was to perform the desk and on-site audits of ATTs. NEMIC proposes to now perform the desk and on-site audits themselves.
2. Streamlining and providing additional clarification to quality assurance audit procedures of NEMIC-certified ATTs.
3. Declaring that NEMIC-certified ATTs must submit all acceptance test documentation for all projects to the NEMIC ATTCP Database for each acceptance test performed by the ATT, and that NEMIC-certified ATEs are responsible for ensuring that all acceptance test documentation completed by NEMIC-certified ATTs under their employ is registered on the NEMIC ATTCP Database.

Staff determined that the amendment report was complete and reviewed it accordingly to the process in Section 10-103.2(e) of the *2022 Energy Code*.

II. STAFF RECOMMENDATION

As specified in Section 10-103.2(e) of the *2022 Energy Code*, staff reviewed and validated all information received in the amendment report and determined that NEMIC meets the criteria and procedures in Section 10-103.2(c) for providing acceptance testing certification services.

The Executive Director provided a written recommendation describing the review and validation of the NEMIC amendment report by CEC staff and recommending approval of the NEMIC amendment report. A copy was made available to interested persons and provided an opportunity for public comment.

Staff recommends the Energy Commission approve the NEMIC Amendment Report for the *2022 Energy Code* which allows NEMIC to continue as an approved ATTCP under its amended application.

III. ENERGY COMMISSION FINDINGS

The Energy Commission makes the following findings:

- 1) NEMIC submitted a proposed amendment to their approved application on November 21, 2023, to remove a 3rd party quality assurance audit firm, streamline quality assurance audit procedures, and declare use of NEMIC's ATTCP Database for its ATTCP program.
- 2) Staff evaluated NEMIC's amendment report and found that that NEMIC has met the requirements in Section 10-103.2(f) of the *2022 Energy Code*.
- 3) The Executive Director provided a copy of the staff evaluation to interested persons and provided an opportunity for public comment.

- 4) The Energy Commission concurs with the Executive Director's recommendation describing the review and validation of the NEMIC Amendment Report by CEC staff and recommending approval of the NEMIC Amendment Report.

IV. CONCLUSION AND ORDER

The Energy Commission has considered the Executive Director's recommendation, all written comments submitted, oral comments made at today's business meeting, and CEC staff's responses to all comments on this matter.

Therefore, the Energy Commission concludes that the NEMIC Amendment Report be approved for the *2022 Building Energy Efficiency Standards*.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC 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 CEC held on MM DD, YYYY.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat

Memorandum

To: Docket 13-ATTCP-01

From: Drew Bohan, Executive
Director

Date: January 31, 2024

California Energy Commission
715 P Street
Sacramento, California 95814

Subject: **EXECUTIVE DIRECTOR RECOMMENDATION TO APPROVE THE NATIONAL ENERGY MANAGEMENT INSTITUTE COMMITTEE PROPOSED AMENDMENT REPORT FOR THE ACCEPTANCE TEST TECHNICIAN CERTIFICATION PROVIDER AMENDMENT APPLICATION FOR THE 2022 BUILDING ENERGY EFFICIENCY STANDARDS**

I. Background

The Acceptance Test Technician Certification Provider (ATTCP) Program addresses training, certification, and oversight of acceptance test technicians (ATTs), as well as the acceptance test employers (ATEs). The technicians perform the tests required by the Building Energy Efficiency Standards (Energy Code), and the employers are responsible for the technician's work. Acceptance testing ensures that installed equipment, controls, and systems in nonresidential buildings operate as required by the Energy Code.

ATTCPs are professional organizations that are approved by the CEC to provide training curricula for ATTs and ATEs, certification procedures, complaint resolution (including disciplinary procedures), quality assurance, and accountability measures.

ATTCPs must submit an amendment report if they amend their previously approved application. The CEC must then review and approve those changes. The amendment process is specified in Section 10-103.2(f). Amendment reports with substantive changes are subject to the application review and determination process specified in Section 10-103.2(e) of the Energy Code.

II. Summary

The National Energy Management Institute Committee (NEMIC) was approved by the CEC on October 12, 2022, to be an ATTCP under the *2022 Energy Code*. NEMIC proposes to make modifications to its ATTCP program that result in changes to the application material that was previously approved.

On November 21, 2023, NEMIC submitted an amendment report that includes the following substantive changes:

1. Removing a 3rd party audit firm that was identified in its original application whose role was to perform the desk and on-site audits of ATTs. NEMIC proposes to now perform the desk and on-site audits themselves.
2. Streamlining and providing additional clarification to quality assurance audit procedures of NEMIC-certified ATTs.
3. Declaring that NEMIC-certified ATTs must submit all acceptance test documentation for all projects to the NEMIC ATTCP Database for each acceptance test performed by the ATT, and that NEMIC-certified ATEs are responsible for ensuring that all acceptance test documentation completed by NEMIC-certified ATTs under their employ are registered on the NEMIC ATTCP Database.

As specified in Section 10-103.2(e) of the *2022 Energy Code*, staff reviewed and validated all information received in the amendment report and determined that NEMIC meets the criteria and procedures in Section 10-103.2(c) for providing acceptance testing certification services.

Pursuant to Section 10-103.2(e), the staff evaluation is included in Exhibit A.

III. Recommendation of the Executive Director

Based upon staff's review and validation of the NEMIC application amendments, I recommend that the CEC confirm these findings and approve the NEMIC Amendment Report for the *2022 Building Energy Efficiency Standards*.



Drew Bohan
Executive Director
California Energy Commission

January 31, 2024

Date

EXHIBIT A

Staff Evaluation – National Energy Management Institute Committee Amendment Report

Summary

Staff has verified and reviewed the National Energy Management Institute Committee (NEMIC) Amendment Report to confirm that it is complete and complies with the requirements in section 10-103.2(c) of the 2022 Building Energy Efficiency Standards (Energy Code) regarding its acceptance test technician certification provider (ATTCP) application. Staff reviewed the confidential and non-confidential information and verified that all changes needed to meet the requirements of the 2022 Energy Code are represented in the NEMIC Amendment Report.

Detailed Evaluation

In the Fall of 2022, staff reviewed NEMIC's 2022 Update Report and provided a staff evaluation that validates NEMIC's updated ATTCP application met all the updates to the 2022 Energy Code. That evaluation report is [posted](https://efiling.energy.ca.gov/GetDocument.aspx?tn=246329&DocumentContentId=80511) at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=246329&DocumentContentId=80511>.

The amendment proposes changes to NEMIC's ATTCP application, as mentioned above, for the purpose of:

1. Removing a 3rd party audit firm that was identified in its original application whose role was to perform the desk and on-site audits of acceptance tests technicians (ATTs). NEMIC proposes to now perform the desk and on-site audits themselves.
2. Streamlining and providing additional clarification to quality assurance audit procedures of NEMIC-certified ATTs.
3. Declaring that NEMIC-certified ATTs must submit all acceptance test documentation for all projects to the NEMIC ATTCP Database for each acceptance test performed by the ATT, and that NEMIC-certified acceptance tests employers (ATEs) are responsible for ensuring that all acceptance test documentation completed by NEMIC-certified ATTs under their employ are registered on the NEMIC ATTCP Database.

Staff finds that the proposed changes in the amendment do not alter or impact the conclusions from the evaluation report that was previously completed for NEMIC's 2022 Update Report. The proposed changes are within the programmatic details of how NEMIC meets the criteria and procedures set forth in section 10-103.2(c). Staff concludes the proposed changes in the amendment and NEMIC's ATTCP application still complies with the 2022 Energy Code.