



California Energy Commission

Title: Benchmarking Program Proposed Regulation Changes

Presenter: Jeremiah Ellis

Date: 10/13/2025



Agenda

1. Benchmarking Program Background
2. Available Resources
3. Justification for Proposed Changes
4. LA and Ventura Emergency Examples
5. Proposed Changes
6. Next Steps
7. Public Comment



Benchmarking Background

- AB 802 (Williams, 2015)
 - Requirements for utilities to provide usage data to owners
 - “Covered building” defined as:
 - (A) Any building with no residential utility accounts.
 - (B) Any building with five or more active utility accounts, residential or nonresidential.
 - Mandates the commission adopt benchmarking regulations
- Final regulations adopted in March of 2018
- Commercial reporting began in 2018
- Multifamily reporting began in 2019
- SB 48 (Becker, 2023)
 - Adds to definition of “Covered building”, greater than 50k sf



Important Note

Using APA (Administrative Procedures Act) exemption

“The commission may adopt guidelines or other standards for the benchmarking program at a commissioner business meeting following at least one public workshop. The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to any regulations, guidelines, or other standards adopted at a commission business meeting.”

- 10-day public comment period
- This is the only public workshop on these changes



Current Statutes & Regulations

- APA Exemption Language ([AB102, Ting 2023 Sec 68](#))
- [AB 802 \(Williams, 2015\)](#)
- [SB 48 \(Becker, 2023\)](#)
- Benchmarking Regulations ([Title 20 §1680 - §1685](#))



Justification For Changes

- Address regulatory burden on building owners due to unforeseen circumstances
- Establish regulatory procedures for:
 - Addressing unforeseen circumstances
 - Extending reporting deadlines
 - Requesting exemptions/extensions



Emergency Declarations

- Palisades and Eaton fires led to emergency declarations for LA and Ventura
 - ~ 13,569 Covered Buildings
 - State of Emergency declared Jan. 7th

Actions Taken

- Suspended enforcement letters to buildings in LA and Ventura counties





Proposed Language Changes - Exemptions

Exemptions Added (§1684)

- The building had substantial destruction or was destroyed due to unforeseen circumstances.
- A geographic area, which may include a portion of, or all of, a county, city, or city and county with multiple buildings having substantial destruction or being destroyed due to the same unforeseen circumstances.



Proposed Language Changes - Definitions

Definitions Added (§1681)

Substantial Destruction or Destroyed:

“Physical damage to a building amounting to more than 50 percent of the building’s full cash value immediately prior to the disaster as determined by the County Assessor.”



Proposed Language Changes - Definitions

Definitions Added (§1681)

Unforeseen Circumstances:

“An act or occurrence that prevents the building owner or Owner’s Agent from complying with section 1683. This includes any act or occurrence that delays or prevents the building owner or Owner’s Agent from timely performing an obligation under section 1683 or complying with a condition required under section 1683 if such act or event is beyond the reasonable control and without fault or negligence of the building owner or Owner’s Agent. Unforeseen circumstances may include, but are not limited to, fires, flooding, earthquakes, or declared emergencies.”



Proposed Language Changes - Exemptions

Exemption Procedures Added

“Unless the Executive Director or designee determines on its own initiative that an exemption applies, the building owner or Owner’s Agent shall submit an exemption request to the Energy Commission.”



Proposed Language Changes - Exemptions

Owner Exemption Requests

“An exemption shall be granted if the building owner or Owner’s Agent can sufficiently prove an exemption applies.”

“Any applicable penalties shall apply unless an exemption is applied for before a given year’s reporting deadline and granted.”



Proposed Language Changes – Extensions

Extension Procedures Added

“Unless the Executive Director or designee determines on its own initiative that an extension applies, the building owner shall submit an extension request to the Commission through the approved extension form.”



Proposed Language Changes – Extensions

Owner Extension Requests

“The Energy Commission staff may approve an extension building owner or Owner’s Agent can sufficiently prove it took timely actions to comply, circumstances beyond its control prevent timely compliance, and it has provided a reasonable date or estimate of when it can comply.”

“Any applicable penalties shall apply unless an extension is applied for before a given year’s reporting deadline and granted.”



Next Steps

Activity	Date
Workshop (virtual)	10/13/2025
Public Comment Period (10-days)	10/14/2025 – 10/25/2025
Business Meeting for adoption	11/12/2025
Office of Administrative Law Final Approval	12/24/2025



Public Comment Period

Docket [#25-OIR-01](#)

Electronic Comments: (preferred method)

- Visit CEC [E-filing system](#) for this proceeding.

Email Comments:

- Include docket number *25-OIR-01* and *Benchmarking Regulatory Language Change* in the subject line.
- Email to docket@energy.ca.gov



Public Comment Period

Oral Comments:

- Please limit comments to three minutes or less per speaker and one person per organization.
- To comment via Zoom, use the “raise hand” feature so the administrator can announce your name and unmute you.
- To comment via telephone, press *9 to “raise your hand” and *6 to mute/unmute.



Public Comment

Zoom App/Online

- Click “raise hand”

Telephone

- Press *9 to raise hand
- Press *6 to mute/unmute

When called upon

- CEC will open your line
- Unmute on your end
- Spell name and state affiliation, if any
- 3 minute or less per speaker, 1 speaker per entity

3-MINUTE TIMER





Benchmarking Helpdesk, California Energy Commission

Thank You!

[Frequently Asked Questions](#)
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