

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
 Sacramento, California 95814

Main website: www.energy.ca.gov



In the matter of:)	Docket No. [12-BSTD-02]
)	
2013 Title 24 Building Energy Efficiency)	HEARING
Standards Rulemaking Proceedings)	RE: Adoption of Proposed
California Code of Regulations, Title 24, Part)	Regulations
1 and Part 6)	

**Notice of Hearing for
 POSSIBLE ADOPTION OF 2013 BUILDING ENERGY EFFICIENCY STANDARDS
 AMENDMENTS REGARDING**

NONRESIDENTIAL ACCEPTANCE TESTING CERTIFICATION

Availability of 15-Day Language and Opportunity for Comment

The California Energy Commission will conduct a hearing to consider adopting proposed changes to the Building Energy Efficiency Standards in the California Code of Regulations (CCR), Title 24, Part 6 (also known as the California Energy Code) and associated administrative regulations in Part 1, that will establish requirements for the training and certification of Field Technicians completing nonresidential acceptance testing for lighting controls and mechanical systems, and their employers.

Concurrent with this notice, the Energy Commission publishes modifications to the proposed regulatory language that was previously made available for public comment, and identifies additional documents upon which the Commission is relying and incorporating by reference. These modifications to the proposed regulatory language are known as the "Nonresidential Acceptance Testing Certification 15-Day Language" and will be considered for adoption by the full commission at a regularly scheduled business meeting on:

December 12, 2012

10:00 a.m.

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street

1st Floor, Hearing Room A

Sacramento, California

Wheelchair Accessible

Remote Access Available by Computer or Phone via WebEx™
 (Instructions below)

Agenda

Possible adoption, following staff presentation and public comment, of the proposed changes to Title 24, Parts 1 and 6, to establish new requirements for Nonresidential Acceptance Testing Certification.

Background

In September 2012, the Energy Commission published a Notice of Proposed Action (NOPA) regarding proposed revisions to the California Building Energy Efficiency Standards, California Code of Regulations, Title 24, Parts 1 and 6, for Nonresidential Acceptance Testing Certification. The proposed language was made available for public comment for 45 days as required by law. The proposed language was also known as the “45-Day Language” or “45-Day Express Terms.” The NOPA also stated that the hearing before the full Energy Commission for final adoption of the 45-Day Language Express Terms would be held November 14, 2012, unless the Energy Commission decides to make substantive changes to the Express Terms through 15-Day Language, in which case the public hearing would be continued to a later noticed date, and an additional public comment period would be held. The NOPA advised that:

Interested persons should be aware that any of the provisions of the amendments under consideration by the Energy Commission could be substantively changed as a result of public comment, staff recommendations, or discussions at the Energy Efficiency Commissioner or Full Commission Hearings. Changes could be made to add additional requirements, remove proposed requirements, or refer to subsequent development of language for the Building Energy Efficiency Standards compliance manuals developed pursuant to Public Resources Code section 25402.1, subd. (e). Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations.

On November 1, 2012, a Notice of Postponement of Hearing was published, setting a new date for consideration of proposed regulations for Nonresidential Acceptance Testing Certification for December 12, 2012. This Notice of Hearing provides for a 15-day public comment period for proposed changes to the 45-Day Language that was initially proposed.¹

The following is a high level summary of the 15-Day Language changes proposed to be made to the 45-Day Language of the Nonresidential Acceptance Testing Certification (please reference the full text of the 15-Day Language for exact wording of the proposed changes):

- Reduced the number of Acceptance Test Technicians (ATTs) that need to be certified before the regulations require that specific nonresidential acceptance tests be performed by certified ATTs;
- Added requirements for Acceptance Test Technician Certification Providers (ATTCPs) to document the specifics of their training and certification procedures;

¹ Per Gov. Code § 11346.8, subd. (c).

- Reduced the hours required for the one-day class requirement for Acceptance Test Employers;
- Added a requirement that each ATT, upon certification, receive a unique certification number and include it in the Title 24 compliance documentation filed with the enforcement authorities;
- Added a requirement that each ATTCP provide an explanation of curricula changes to the Energy Commission prior to the effective date of adopted updates to the Building Energy Efficiency Standards;
- Clarified that all potential ATTCPs must apply to the Energy Commission no less than six months prior to the effective date of new or amended Building Energy Efficiency Standards (starting with the 2013 Standards).

In addition to these substantive changes, the 45-Day Language was clarified in several places by removing redundancies and adding specificity.

The Nonresidential Acceptance Testing Certification 15-Day Language shows all proposed changes.

The Nonresidential Acceptance Testing Certification 15-Day Language and related documents can be obtained from the contact persons designated below or from the Energy Commission website at:

www.energy.ca.gov/title24/2013standards/provider_cert/documents/.

This Notice of Hearing serves as the “separate notice of the adoption hearing for the Nonresidential Acceptance Testing Certification 15-Day Language.” As described further below, the Nonresidential Acceptance Testing Certification 15-Day Language is being made available for public comment from November 27, 2012 until the proposed changes to the regulations are considered for adoption on December 12, 2012.

Should the Energy Commission determine that substantive changes to the Nonresidential Acceptance Testing Certification 15-Day Language are needed, this item would be continued to a future public hearing, additional 15-Day Language would be released, and a future public hearing will be noticed separately.

Availability of Nonresidential Acceptance Testing Certification 15-Day Language

The proposed Nonresidential Acceptance Testing Certification 15-Day Language and most of the other documents in the rulemaking file are posted on the Energy Commission’s website at: www.energy.ca.gov/title24/2013standards/provider_cert/documents/.

These documents are also available by contacting the Energy Commission’s High Performance Buildings and Standards Development Office. For copies of these documents in hard copy, contact Joseph Loyer at (916) 654-4811 or by e-mail at Joe.Loyer@energy.ca.gov.

All of the documents in the rulemaking file are available from the Energy Commission’s Dockets Office. For copies please contact:

CALIFORNIA ENERGY COMMISSION
Dockets Office
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
(916) 654-5076

Additional Documents Relied Upon

The following documents were relied upon to make specific changes to the 45-Day Language and are being noticed concurrently with the 15-Day Language on the website at: www.energy.ca.gov/title24/2013standards/provider_cert/documents/.

- Rob Falke, National Comfort Institute, Public Comment Letter, Docket 12-BSTD-2 Item No. 68491.
- Rob Falke, National Comfort Institute, Additional Public Comment Letter, 12-BSTD-02 Date: 11/20/12 Item No. 68576.
- Chris Ruch, Final Air Balance Co. Inc., Comments on Proposed Threshold for Implementing Nonresidential Mechanical Acceptance Test Requirements, Docket 12-BSTD-2 Item No. 68262.
- Cyndi Marshall, California Association of Sheet Metal and Air Conditioning Contractors, National Association's Comment Letter, Docket 12-BSTD-2 Date: 11/09/2012 Item No. 68482.
- RNM Engineering, Inc , Comments on Acceptance Test Provider, Docket 12-BSTD-2 Date: 09/26/2012 Item No. 67338.
- Thomas A. Enslow, Adams Broadwell Joseph & Cardozo, CALCTP Comments on the Acceptance Testing Rulemaking, Docket 12-BSTD-2 Date: 11/06/2012 Item No. 68397.
- IESNA Lighting Handbook, 9th Edition, July 2000 ISBN-10: 0879951508.

Documents Incorporated by Reference

The following document has been incorporated by reference into Title 24, Part 6, Section 10-103-A(c)3.B.(i)(m):

- IESNA Lighting Handbook, 9th Edition, July 2000 ISBN-10: 0879951508.

Public Comment

The public comment period for the Nonresidential Acceptance Testing Certification 15-Day Language is from November 27, 2012, until the proposed changes are considered for adoption on December 12, 2012.

Written comments should be submitted to the Dockets Unit by 4:00 p.m. on December 11, 2012. Written comments will also be accepted at the public hearing, but are encouraged to be submitted in advance. All comments will become part of the public record of this proceeding and may be posted to the Energy Commission's website for the

proceeding. Please include the docket number 12-BSTD-2 and indicate Adoption of Nonresidential Acceptance Testing Certification 15-Day in the subject line. Send comments to: docket@energy.ca.gov.

The Energy Commission encourages comments by e-mail and electronic submission, up to 5 MB. Please include your name and any organization name. Comments should be in a downloadable, searchable format such as Microsoft® Word (.doc) or Adobe® Acrobat® (.pdf). For additional information, see Standing Order re: Proceedings and Confidentiality Procedural Requirements for Filing, Service, and Docketing Documents with the Energy Commission, available at: www.energy.ca.gov/dockets/documents/2011_Standing_Order_for_Documents.pdf.

If you prefer, you may send a paper copy of your comments to:

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 12-BSTD-2
Adoption of Nonresidential Acceptance Testing Certification 15-Day Language
1516 Ninth Street
Sacramento, CA 95814-5512

In addition, the Energy Commission will accept oral comments during the public hearing on December 12, 2012. Comments may be limited to three minutes per speaker. Any comments will become part of the public record in this proceeding.

Please note that your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email, etc.) will become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and any other search engines.

Public Adviser and Other Commission Contacts

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at PublicAdviser@energy.ca.gov or (916) 654-4489 or toll free at (800) 822-6228.

If you have a disability and require assistance to participate, please contact Lou Quiroz at lquiroz@energy.ca.gov or (916) 654-5146 at least five days in advance.

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989. If you have questions on the subject matter of this meeting, please contact Martha Brook at Martha.Brook@energy.ca.gov or (916) 654-4086.

Remote Attendance

To participate by telephone, please call toll free 1-888-823-5065 on December 12, 2012 after 10:01 a.m. (PDT). The pass code for the meeting is "Business Meeting" and the call leader is Jerome Lee. If you plan to speak on a specific item, please give the operator the item number. The possible adoption of the Nonresidential Acceptance Testing Certification is item number eight (8).

To avoid occasional technical problems with the Commission's telephone link, the Commission recommends that a written comment also be submitted either by facsimile or e-mail to the Public Adviser by 5 p.m. two days before the scheduled business meeting. Fax (916) 654-4493 or e-mail publicadviser@energy.ca.gov.

The Business Meeting is broadcast via WebEx, the Energy Commission's on-line meeting service. To listen to the meeting and view any presentations, please click the following link or paste it into your browser:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=928596830>

You may also go to <https://energy.webex.com/ec> and enter Meeting Number 928 596 830. The meeting password is mtg@10am.

Subscribe to Electronic Mail Lists

To reduce paper and mailing costs, the Energy Commission offers an automated e-mail system for the business meeting agendas. To subscribe, please go to our Business Meetings page www.energy.ca.gov/business_meetings/ and use the form on the right side under 'Subscribe'.

Adjournment of Hearings and Meetings: Depending upon time available and the orderly management of proceedings, the Commission may order adjournment (recess or postponement) of any noticed hearing or meeting, to be continued to the next day, another specific date or time, or to the next business meeting, as appropriate. Any such adjournment will be noticed at the time the order of adjournment is made (Government Code §§11128.5, 11129).

DATE November 26, 2012

ROBERT B. WEISENMILLER
Chair

Mail Lists: 50, 51, 52, 53, 480 and 7434
Listserv: efficiency, building standards