

**Comments Regarding
March 6, 2008 Draft California Energy Efficiency Strategic Plan
(CPUC Rulemaking 06-04-010)**

**Submitted by:
Judi Schweitzer, President
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March 21, 2008**

Joint Utility Preliminary Energy Efficiency Strategic Plan

I had the fortune to participate in both the B.B.E.E.S. Residential Workshops in June and the responsibility to co-chair the subcommittee for Market Transformation, Innovation, Education and Outreach in the stakeholder workshops in November and December 2007. I commend the intention of the CPUC and IOUs to make energy efficiency a resource in California and the movement to understand the value-added of cross-cutting programs that are performance-based and voluntary. Much of what was discussed in the B.B.E.E.S. and Long-Term Planning workshops was captured as represented by this lofty Vision Statement for residential:

Vision: *Residential energy use will be transformed by 2020. Current and new channels of energy delivery will be strongly leveraged. Demand-side management (DSM) services will be fully integrated. Consumers will demand and the market will provide highly efficient products and services that will dramatically reduce energy use—with no loss of comfort or equipment efficacy—creating a “win” for the economy, the environment and society.*

Although there are a number of areas of the Plan Preliminary Strategic Plan that need to be further developed, thought out or evolved, some of my primary concerns are highlighted below:

- Further research and analysis regarding the fiscal and economic impacts of the Preliminary Strategic Plan is critical for the economic, environmental and social health of California.
- Cities, Counties, builders and suppliers are already under tremendous economic/fiscal pressure and the expertise and technology does not exist today to accomplish what is outlined in the Preliminary Strategic Plan. Focusing on new construction will certainly be devastating for an already depressed new construction industry.
- While 99% of the energy needs are from existing buildings, the current focus is on 1% of the energy needs of the built environment. Therefore the focus needs to be on finding creative cost-effective solutions for existing homes and buildings.
- Focusing on the 1% of new construction in an already depressed industry is sure to have negative unintended consequences and be problematic for multiple stakeholder groups in addition to potential negative impacts to the financial health of our state.
- 100% compliance with Title 24 in the existing buildings should be a priority of this or any other energy efficiency strategy for California.

- Training and education is needed for Cities, Counties, (code compliance inspectors and staff), builders, trades, and supply chain partners if intend to obtain these lofty goals.
- Zero Energy Homes is a misnomer – we do not have technology and expertise to accomplish this on a production level. The definition of Zero Net Energy Homes must be revised and/or Zero Net Energy Communities should be substituted in its place.
- Zero Net Energy Communities (rather than Zero Energy Homes) should be the benchmark for 2020 whereby a menu of design techniques, technologies including various demand side management and large scale solar/renewables, etc. can be utilized.

I appreciate the opportunity to be part of this process. I am happy to discuss these comments further should you have questions.

Thank you, Judi Schweitzer

1.

On February 15, 2008, an Assigned Commissioner's and Administrative Law Judge's Ruling Requiring Supplement of Preliminary Energy Efficiency Strategic Plan ("Ruling") was issued. The Preliminary Energy Efficiency Strategic Plan was originally submitted by the joint utilities on February 8, 2008. As set forth in the Ruling, the utilities are to submit to the assigned Administrative Law Judge, the Energy Division, all parties to this proceeding and Rulemaking (R.) 07-01-042, and any member of the public who requests a copy the required supplement. In addition to providing the joint utilities response to the aforementioned required proceedings, the supplement is also being provided to parties in R. 07-01-041 and lists of other individuals provided by Commission staff. The utilities requested and received approval of an extension in which to submit the supplement to the Preliminary Energy Efficiency Strategic Plan until March 6, 2008.

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COMMENTS ON PROPOSED DECISION OF RULING 06-04-010; INTERIM ORDER ON ISSUES RELATING TO FUTURE SAVINGS GOALS AND PROGRAM PLANNING FOR 2009-2011 ENERGY EFFICIENCY AND BEYOND BY SCHWEITZER & ASSOCIATES, INC.

I. INTRODUCTION

Schweitzer & Associates, Inc. (“S+A”) respectfully submits these comments on the draft Ruling 06-04-010; Interim Order on Issues Relating to Future Savings Goals and Program Planning for 2009-2011 Energy Efficiency and Beyond. S+A continues to applaud the California Public Utilities Commission (“Commission” or “CPUC”) efforts and creativity to be part of the solution, represented at least in part, by your insight in holding the four (4) Big Bold Energy Efficiency Strategy (BBEES) Workshops in May and June this year. S+A appreciates the opportunity to have been able to participate in the Residential new Construction Workshop on June 7-8, 2007 in San Francisco, CA.

From the series of workshops, we learned about the challenges faced by those stakeholders with longer term planning horizons (beyond the current 2-3 year program cycles) such as master developers, banks, pension funds and investors (“Longer-term Stakeholders”), as well as the potential economies of scale and opportunities that are possible to help achieve the goals set forth by the state by including these Longer-term Stakeholders into your incentive programs; aiding to stimulate market transformation toward a more energy efficient sustainable future. S+A commends the Commission for understanding the opportunities of working with Longer-term Stakeholders in developing longer-term programs, and establishing new collaborative processes with key business, consumer groups and governmental organizations.

At the conclusion of the BBEES Workshops, each of the four (4) groups came up with possible targets and program initiatives that the group agreed should be further explored, discussed, researched, investigated, and vetted, prior to implementation (such as 50% of all new homes built in 2009-2011 to be built to the California New Solar Homes Partnership Tier II standard). For further clarification, at the very very end of the day on June 8th, the group was asked to come up with some much longer term “pie in the sky” performance targets which were “thrown at the wall” for further exploration purposes only (such as all new residential construction in California to be zero net energy

by 2020). After reviewing the Interim Order on Issues Relating to Future Savings Goals and Program Planning for 2009-2011 Energy Efficiency and Beyond (“Interim Order”), it appears that some of the possible targets and program initiatives set forth for further investigation are being proposed as requirements or mandates prematurely without well defined terms and with insufficient investigation and understanding of how they will or could be effectively implemented and how they will effect the building industries and economy.

Voluntary. Creating a voluntary, incentives-based program(s) that rewards energy and resource conservation and efficiency while allowing a systems approach to the design, planning and building sustainable communities over longer-term planning horizons (7-10 +/- years) remains an attractive proposition for most Longer-term Stakeholders. In the July 9th filing of S+A’s Response to Questions from the BBEES Workshop, we expressed the importance of any incentive program being “voluntary” eight (8) times over 18 pages in answers to questions, comments and recommendations. Mandating performance targets, especially on those industry leaders who are already voluntarily pushing the envelope on energy efficiency and resource conservation, without sufficient due diligence or clearly defining terms, could be very damaging to the already softened development and building industries. As a start, might a better focus be on implementing pressure or penalties on those that are currently out of compliance with the existing code?

Cost-Effective. Regarding cost effectiveness of the program, “This and any other BBEES MUST be cost-effective [to developers, builders, and homeowners]. The slowing housing market in addition to escalating costs precludes additional mandatory standards with additional associated costs. Educational and marketing gaps exist with some developers; most builders and homeowners about the long-term economic and environmental benefits of energy, resource and fuel efficiency even though they outweigh the short-term incremental cost investments in many cases.¹” S+A explained at the BBEES Workshop and in Response to Questions from the BBEES Workshop that the program must be cost effective and voluntary for the Longer-term Stakeholders otherwise

¹ Response of Schweitzer & Associates, Inc. to the Administrative Law Judge’s Soliciting Questions on Energy Efficiency Programs and Strategies Workshop Topics, July 9, 2007.

the CPUC will receive market push back many levels and the intentions of the BBEES initiative will be ineffective, or worse, set us back. For clarification, S+A was misquoted in the Interim Order, incorrectly stating that Schweitzer believes that the program would be cost effective – rather what it was stated that the program MUST be cost effective. We understand and appreciate the fact that the CPUC’s Policy Rules do not require individual utility programs to be cost-effective, rather they are required to be cost-effective over a three year period. Further, it is the entire portfolio that needs to be cost-effective, allowing individual programs to be neutral or marginally not cost-effective.

As was touched on above, during the BBEES Workshops in May and June and results documented in CPUC-supported M&V studies both indicate that the market is out of compliance with the current energy-efficiency standards. The CPUC should be focused on getting the market in compliance with the existing code before focusing on pushing those leaders of sustainable community development substantially above code standards who are already voluntarily pushing beyond what is normally required.

Another very important element to making the residential new construction program cost-effective should be widespread training to help bring the market up to code. Past industry-provided training programs have clearly demonstrated that training can solve this problem, and that the savings are measurable. The CPUC must re-evaluate their current rules that disallow savings for training (“information only”) programs. This will provide real, measurable savings and will go a long ways toward making the RNC portfolio more cost-effective. The existing education and marketing gaps must be narrowed which further underscores the need for cost effectiveness for the stakeholders. S+A cautions the CPUC to confirm that the new savings goals and programmatic initiative targets are well planned and do not create unintended inconvenient consequences and barriers for stakeholders which would set back the intent of the BBEES efforts. S+A recognizes the Commission’s challenges with implementing these programs and is willing to assist as practicable.

Definition and Revision of Terms - Streamline Processes and Paperwork. It was explicitly discussed and confirmed that the standard “baseline” that was being used is the current 2005 Title 24 standard. S+A made a point to get clarification on the anticipated 2008 Title 24 changes, would the benchmark of 50% of all new residential

homes meeting the current Tier 2 NSHP standard, the response was a unanimous “even when the code changes in 2008, we are still talking about today’s 2005 Title 24 Tier 2 NSHP standard Tier 2 (35% more efficient than 2005 Title 24 and 40% reduction in the cooling energy)”. There was clear consensus acknowledged verbally by CPUC representatives and participants around the room that we were talking about 2005 Title 24 after the code changes to 2008 Title 24. Forcing a performance standard that may be infeasible to implement due to costs, lack of skill base/knowledge, and available technology are a few of the potential barriers.

There are additional areas which require further research, analysis, discussion and understanding, in addition to those things mentioned above, prior to any action being taken by the Commission and any Ruling being adopted. There are problems with some of the conditions listed for the Long-term funding commitments such as: “Energy savings for projects with long lead times will be calculated by defining the baseline as the applicable codes and standards at the time of measure installation....²” This creates problems that are unworkable for multiple stakeholders including the utility, the developer and the builder (the CPUC and most probably the homeowner as well). This needs to tie back to “time of permit” not “time of installation”. Furthermore, as agreed during the BBEES Workshops, the definition of “baseline” also needs to be tied to the 2005 version of the energy efficiency standards (“Title 24”). The CEC is planning on implementing large changes to Title 24; these changes would likely not only make the current definition of Tier 2 (35% more efficient than 2005 Title 24 and 40% reduction in the cooling energy) not cost effective, it would likely make it unreachable with readily available technologies. The current definition of Tier 2, referencing current (2005) Title 24 was specifically designed to be requiring the maximum efficiency features that would provide positive cash-flow to the consumer (be cost-effective!). It would be disastrous to the proposed goals to set them so high as to be unreachable – rather we should aim for the maximum practical, which is [#1 getting the existing market in compliance with the current 2005 Title 24 energy code and #2] pushing the envelope to the current Tier 2 - 35% more efficient than 2005 Title 24. Regarding cost effectiveness of the existing

² Interim Order on Issues Relating to Future Savings Goals and Program Planning for 2009-2011 Energy Efficiency and Beyond, pg. 87.

NSHP Tier 2 standard, although meeting the standard is a reach but achievable, the existing required paperwork is very time consuming and costly. If there is a way that the NSHP paperwork for incentives could be streamlined, it would help to remove some of the current time and cost barriers and allow for greater adoption by the market.

In addition to redefining “Baseline”, “Zero Net Energy” needs to be defined for both residential and commercial projects. The development/building/construction industries could speculate as to the definition(s), however it is not clear if we would have the same definition(s). Again as mentioned above, our understanding was 2005 Title 24. These are a couple of examples of why S+A believes that the Commission needs to further investigate and define what is on the table prior to approving and implementing this ruling as-is.

Long-Term Strategic Planning. S+A supports the Commissions recognition of the opportunities of investing in longer-term market-based incentives that recognize and reward voluntary energy- and resource-efficient, sustainable community developments, and other examples of excellence in sustainable designs which could yield substantial savings and give the Commission access to large parts of the market they are looking to influence. Implementation of a successful Sustainable Communities Initiative in California could enhance its overall economic, and environmental health creating substantial value-added for the State both in the short-term and longer-term and go a long way to reduce greenhouse gas (GHG) emissions and create a model for other states and regions. The BBEES workshops insights included the value of taking a holistic and integrated systems approach to problem solving for enhancing energy efficiency, increasing renewables and reduced emissions for the state. Therefore, in order to not slip into a “business as usual” approach of including the Longer-Term Stakeholders in the strategic planning efforts S+A recommends starting with the general and driving to the specific. Community Development Stakeholders influence includes community-scale decisions with the investment, planning, design, construction, maintenance and operations of a full spectrum of real estate land uses including community infrastructure [horizontal] energy, water, waste, transportation, open space, trails, parks and other open space amenities; and [vertical] buildings such as residential, office, retail, schools, community facilities, with other opportunities such as integration of cleaner

transportation solutions (e.g., vehicle-to-grid (V2G), multi-modal transportation systems, low speed vehicles (LSVs), links to regional transportation). Community Development Stakeholders such as pension funds and investors like CalPERS; insurance companies, such as Fireman's Fund; and the Appraisal Industry represent a Longer-term stakeholder group which includes all real estate sectors, and infrastructure issues including transmission, distribution, etc. S+A agrees with NEEA and others that "the effectiveness of this strategy may depend partly on coordination with master developers, the national Urban Land Institute, the CBIA and financing and insurance industries³."

Eliminate or Fix Existing Contrarian Rules and Policies. Implementation of a successful Sustainable Communities Initiative in California could enhance its overall economic, and environmental health creating substantial value-added for the State both in the short-term and longer-term and go a long way to reduce greenhouse gas (GHG) emissions and create a model for other states and regions. However some of the existing rules and policies run counter to the state's goals – this is ineffective and ineffective. I will give you four examples: 1) The "Information Only" example given above under "Cost-Effectiveness". If past industry-provided training programs have demonstrated that training can increase compliance with existing codes, and that the savings are measurable, then why would the CPUC not allow these savings to be "counted" if they are from "information only" training? The CPUC must re-evaluate their current rules that disallow savings for training ("information only") programs. This will provide real, measurable savings and will go a long ways toward both making the RNC portfolio more cost-effective. 2) Another example of a contrarian rule is the inability of the utilities to "count" or get credit for energy efficiency and renewable generation from solar photovoltaic (PV) electric and solar hot water systems on residential roof tops. 3) Furthermore, if we agree that reducing peak demand is critical for the sustainability of the state's energy infrastructure, then it seems that the installation of renewables in any fashion that reduce peak demand and add to energy efficiency should be able to be "counted". From energy efficiency measures the utility should also be able to claim demand savings, energy efficiency savings; from renewables, they should be able to

³ Interim Order on Issues Relating to Future Savings Goals and Program Planning for 2009-2011 Energy Efficiency and Beyond, pg. 36.

claim energy efficiency savings, demand savings and peak reduction savings. 4) E3 Calculator: The existing E3 Calculator (“E3”) does not allow for the independent analysis of kW (demand reduction) and kWh (energy reduction). “Decoupling” the kW and kWh in the E3 calculator will allow for the two measures to be analyzed independently which could further optimize the value of good design solutions and maximize cost effectiveness.

Create Effective “Tools”. At the BBEES Workshops we all realized how valuable and important feedback loops are for influencing the consumption patterns of the end-user. In other words, having a way that consumers and other end users can “see” the affect or “consequences” (good or back) of their “actions” (e.g., “mpg” for savings and energy generation from renewables, or turning up or down their thermostat, etc.) would go a long way to helping inform and influence more responsible consumption patterns.

Regarding existing tools, in addition to “decoupling” kW and kWh in the E3 Calculator, there are other opportunities for cost effective solutions that can enhance the effectiveness of the BBEES goals by adjusting existing “tools” as well. One other example of this is fixing the DEER Dabatase of Standards so that the energy efficiency values for certain features to be averages rather than the worst case scenario number. In other words, the worst case numbers artificially devalue the potential benefits and savings. Therefore enhancing the effectiveness of existing tools to better support the good cost effective design solutions will go a long way to helping meet the state and BBEES goals and intent.

Research has revealed economic, educational and regulatory gaps associated with successfully implementing BBEES and sustainable communities. There is still a lack of and access to empirical data on lessons learned on best practices in building science and the economic attractiveness of energy efficient healthy homes and sustainable communities. Creating the appropriate tools and mechanisms to access information and resources on superior building science and the preferred economic and environmental performance of BBEES is key to its success. Incorporating a “tool kit” such as a web

based “SEEDD Bank^{TM4}” (Sustainable Economic Ecological Development and Design Bank) for the implementation of a Sustainable Communities Initiative in California, could be one way to ensure its successful deployment. The SEEDD BankTM was initially conceived in 1993 as a “depository” of information on sustainable community developments which included an interactive data base of case studies and decision making “tools” to provide stakeholders with the information necessary to make more informed decisions and therefore optimizing long-term ecological, social and economic health of society.

S+A respectfully requests that the Commission adopt this as a high priority and work collaboratively with other agencies, the utilities and additional stakeholders (such as master developers, pension funds, insurance companies, appraisers, trade associations and educational institutions) to create and support an integrated Sustainable Community Development Initiative in California.

Do NOT Adopt As-Is. S+A supports CPUC’s intention of creating this ruling decision as a “foundation for making energy efficiency an integral part of ‘business as usual’ in California”. We also support mid-term funding cycle augmentation to help make additional funds available to the utilities to accomplish your goals. S+A also supports defining the “baseline” on 2005 Title 24 with the performance target being the NSHP Tier 2 (35% above 2005 Title 24 with 40% cooling reduction – however the cooling reduction may be difficult to accomplish in coastal and other milder climates) and for the utilities being able to count solar electric and solar hot water systems to be applied to their renewable energy portfolio targets and energy efficiency goals.

S+A does NOT support adopting this Interim Order, AS-IS without further investigation, research and definition of terms as some or all may be impractical to implement. More specifically, although S+A respects the intent of the goal of the draft programmatic initiatives to make all new residential construction in California to be zero net energy by 2020 and all new commercial construction to be zero net energy by 2030 – these sound good on paper however it is not clear how “zero net energy” is defined and what the process might be to accomplish these goals. The longer-term programmatic

⁴ Originally concept created by Judi Schweitzer and EOS Institute and submitted to AIA/UIA World Congress of Architects - Sustainable Cities Conference in Chicago, IL, 1993.

initiative targets should come from the longer-term strategic planning efforts with the input of multiple discipline Long-Term Stakeholders.

S+A applauds the CPUC's vision and goals of the BBES initiatives and supports their intent. In order for the programs and initiatives to be successful, the requirements and processes need to be thoroughly considered and streamlined so that they will be as easy or simple as possible for the market to implement. The CPUC is suggesting big changes in the way the construction industry does business and therefore it would be appropriate for the CPUC to also consider making big changes in how programs are evaluated, approve and implemented. Streamlining of paperwork is one way to eliminate additional costs whereby the investment shift is made on the performance improvements of the homes and commercial builders rather than in additional "lost" administrative costs.

Therefore, S+A does NOT support adopting this Interim Order AS-IS without further investigation, research and definition of terms as some or all may be impractical to implement as currently stated. With some modification however, the proposed decision could be implemented and effectively contribute to reduced energy demands, particularly peak demands, increase energy generated from renewables and help reduce climate effecting emissions. In order to optimize the BBES initiative and achieve 2020 and 2030 initiative targets, they must be thoroughly researched and understood and effectively defined - without which, adopting the Interim Order as-is would be risky at best.

Dated: October 5, 2007

Respectfully Submitted,

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CERTIFICATE OF SERVICE
R.0604010

I hereby certify that I have served a copy of the COMMENTS ON PROPOSED DECISION OF RULING 06-04-010; INTERIM ORDER ON ISSUES RELATING TO FUTURE SAVINGS GOALS AND PROGRAM PLANNING FOR 2009-2011 ENERGY EFFICIENCY AND BEYOND BY SCHWEITZER & ASSOCIATES, INC. on October 5, 2007, on all known parties to the proceeding R.0604010 [(last changed October 1, 2007) www.cpuc.ca.gov/published/service_lists/R0604010_73070.htm] via email to those whose e-mail address is available and by U.S. Mail to those who do not have an e-mail address.

I caused copies of the attached COMMENTS ON PROPOSED DECISION OF RULING 06-04-010; INTERIM ORDER ON ISSUES RELATING TO FUTURE SAVINGS GOALS AND PROGRAM PLANNING FOR 2009-2011 ENERGY EFFICIENCY AND BEYOND BY SCHWEITZER & ASSOCIATES, INC. to be served on all parties by emailing a copy to all parties identified on the electronic service list provided by the California Public Utilities Commission for this proceeding, and hand delivering one (1) original to Administrative Law Judge Kim Malcolm and Presiding Commissioner Dian Grueneich.

Dated: October 5, 2007 at Lake Forest, California.

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