



**HESCHONG  
MAHONE  
GROUP**

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## **AB 1103 Working Group – Meeting Notes**

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Thursday, June 17, 2010 – 10:00-11:30am

### Attending:

California Association of Realtors: Elizabeth Gavric  
California Business Properties Association: Matthew Hargrove  
California Energy Commission: Robin Mayer, Joe Loyer  
CB Richard Ellis: Lisa Colicchio  
City of Palo Alto: Bruce Lesch  
City of San Francisco: Barry Hooper  
Environmental Protection Agency: Tracy Narel, Peter Flippen  
Heschong Mahone Group: Amy Barr, Josh Rasin  
Irvine Company: Rich Bluth  
Lawrence Berkeley National Laboratories: Paul Matthew  
Pacific Gas and Electric Company: Theda Silver-Pell  
Resource Media: Debbie Slobe, Keri Bolding  
Sempra: Ellery Stahler, Si-Hung Choy, Glenda Towns  
SMACNA: Jim Hussey  
Southern California Edison: Bob Levine  
Westfield: James Darrish

- 1) Regulations updates
  - a) Added safe harbor provision
    - i) Owners can send notarized letter to CEC if can't benchmark building stating that have made good faith effort and explaining what happened
    - ii) CEC will then respond
    - iii) Don't have the details worked out yet
    - iv) Can't use as escape hatch, but allow transaction to proceed if stuck
  - b) Utilities may upload 'at least' 12 months worth of data
  - c) CBPA has 3 concerns – sent to CEC with suggested tweaks to language
    - i) Providing all California disclosure info to CEC
    - ii) Clarify in regulations that California rating is voluntary



iii) Concerned that California report will not be available in Portfolio Manager and ready to go by January 1, 2011

2) Confidentiality issue update

- a) CPUC, CEC, and the IOUs spoke about the tenant privacy issue
- b) Misunderstanding between CEC and CPUC about what specifically the CEC and IOUs were looking for
- c) May try to work with Saldaña's office to resolve
- d) San Francisco will be submitting comments to CPUC regarding decision and how it is an unnecessarily complex solution
  - i) Advocate whole building energy use being something the owner should have access to via AB1103

3) Guidelines updates

- a) Checklist of Requirements - updated to reflect revision to regulations
  - (1) Added Benchmarking Timeline to serve as a guideline
- b) Phase-in schedule – updated to match regulations
- c) Authorization of automated data uploads – will be updated based on CPUC decision
- d) California Energy Performance Disclosure Report
  - i) Need to be able to distinguish between the required data disclosure sent to CEC and the voluntary form owners can request from CEC
- e) CEC benchmarking portal/website – need to start thinking about what sort of information would be good to have there
- f) Energy Action plan (voluntary element) – would like to include a sample or outline in the appendix
- g) Customer authorization
  - i) Owner authorization is accomplished by checking a box during automatic uploads
    - (1) Also can be received by utility via email or fax
  - ii) Possibly include information about tenant authorization
- h) Data Release Form
  - i) Originally developed for IOUs, but not really necessary anymore
  - ii) Will modify section and suggest owners check with specific utility



- i) California Rating Description – CEC will put together
    - i) Will be clear that this formatted disclosure form is a voluntary option
  - j) Definition of Terms moved to the end
    - i) Some additional changes to be made
    - ii) Will go beyond just the regulations and clarify educational terms
  - k) Send feedback, questions, etc to HMG
- 4) 45 day language release date: July
- a) Still plan on making January 1, 2011 implementation date
  - b) Send with any written comments to CEC
  - c) CEC expects to circulate a revised regulations draft in the next week
  - d) Portfolio Manager California report should be finalized in next few weeks
- 5) General issues raised:
- a) Need to be sure it's clear in guidelines that building owners need to disclose energy use data, not a rating, as a large portion of building types are ineligible for ratings
  - b) AB 1103 applies to all utilities – need to be sure to address the concerns of all utilities in guidelines
  - c) AB 1103 does apply to buildings that self-generate their energy and are not connected to any utility – if they are off the grid they would need to input data based on usage they tracked on their own
- 6) Marketing & outreach: Debbie Slobe, Resource Media
- a) Non-profit strategic communication group
    - i) Worked with Institute Market Transformation for D.C. benchmarking and City of Seattle on ordinance they passed
  - b) Helping lay foundation for implementation of AB1103
    - i) Thinking about CA on a statewide level as well as local governments and other affected parties
    - ii) Marketing the benefits of benchmarking, including reaching key audiences and working with the media
    - iii) Launching a new portal on CEC website
      - (1) Highlight some people already voluntarily benchmarking