



## CEESP Goal 1: WHPA Compliance Committee Teleconference Summary Notes

Thursday, April 13, 2017

Scheduled for 8:30am – 9:30am PDT

### Call to Order

WHPA Compliance Committee Chair Bob Barks (CALBO) called the meeting to order at 8:32 a.m. PDT. The meeting was recorded for note purposes.

### Roll Call

WHPA Staff (Wendy Worrell) conducted roll call of the voting panel during the meeting. There was a quorum (9 or more voting members or proxies) with 10 voting members or proxies in attendance and the following 25 participants (or proxies) overall based on attendance reporting documentation.

Organization	First Name	Last Name	WHPA Category	Attendance
<b>Voting Members</b>				
ACCA (Air Conditioning Contractors of America)	Todd	Washam	Contractor Association	A
ACCA (Air Conditioning Contractors of America) <i>(standing proxy)</i>	Don	Prather	Contractor Association	P
Brody Pennell Heating, Air Conditioning and Electrical Contractors	Michael	Carson	Contractor (Residential)	P
CALBO (California Building Officials)	Bob	Barks	Codes & Standards Official (Association or Jurisdiction)	P (Chair)
CalCERTS, Inc.	Charlie	Bachand	Certifying Body	A
CEC (California Energy Commission)	Lea	Haro	Government (Other than CPUC)	P
CHEERS (ConSol)	Mike	Hodgson	Certifying Body	A
CHEERS <i>(standing proxy)</i>	Bob	Johnson	Certifying Body	A
CSE (Center for Sustainable Energy)	Lindsey	Hawes	Energy Efficiency Program Consultant	P
Enalays	Eric	Taylor	Third Party Quality Assurance Providers	P
Energuy CA LLC, The	Eric	Berault	Third Party Quality Assurance Providers	P
Goodman Manufacturing	Aniruddh	Roy	HVAC Manufacturer	P
HARDI (Heating, Airconditioning & Refrigeration Distributors International)	Jon	Melchi	Distributor Association	A
HVACRedu.net	Scott	Oakley	Educator, Trainer	A
IHACI (Institute of Heating and Air Conditioning Industries)	Bob	Wiseman	Contractor Association	P
JCEEP (Joint Committee on Energy and Environmental Policy)	David	Dias	Organized Labor	A
SMUD (Sacramento Municipal Utility District)	Ravi	Patel	Public Owned Utility	A
SynergyNexGen	Barbara	Hernesman	Energy Efficiency Program Consultant	P
<b>Non-Voting Members</b>				
Benningfield Group	Lynn	Benningfield	Energy Efficiency Program Consultant	A (Proxy: Roy Eads+)
BMA Mechanical	Dustin	Lane	Other Stakeholder	P
BPI (Building Performance Institute, Inc.)	Jeremy	O'Brien	Certifying Body	P
CALBO (California Building Officials)	Mark	Meyers	Codes & Standard Official (Association or Jurisdiction)	P
Charles F. Segerstrom, Energy Efficiency Consultant	Charles	Segerstrom	Energy Efficiency Program Consultant	P
CHF-CIRB (California Homebuilding Foundation, Construction Industry Research Board)	Allison	Paul	Research Organization	P (Speaker)
CSLB (Contractor State Licensing Board)	Cynthia	Moore	Government (Other than CPUC)	P
HVAC Excellence	Eugene	Silberstein	Certifying Body	P
HVAC Rater Service	Greg	Davis		P
Indio Cooling & Heating Supply	Tim	Mann	Distributor	P
SDG&E (San Diego Gas & Electric Company)	Paul	Thomas	California IOU	P
SoCalGas (Southern California Gas Company)	Hackett	Barney	California IOU	P
SoCalGas (Southern California Gas Company)	Harvey	Bringas	California IOU	P
<b>WHPA Staff</b>				
CLEAResult	Paul	Kyllo	Other Stakeholder	P (Work Product)
InfoPlast	Wendy	Worrell	Other Stakeholder	P (Host/Scribe)

\*\* Organization is Not a Member of the WHPA; + Individual is NOT Registered with the WHPA; (P) = Member Organization is Pending Approval from the WHPA Executive Committee.

### AGENDA

The following agenda was distributed to the WHPA Compliance Committee roster by WHPA Staff prior to the meeting:



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### GENERAL REMINDERS

- Adherence to the WHPA **Code of Conduct** is required.
- Disclose any potential conflicts of interest as it relates to meeting content, particularly prior to any votes that may occur.
- Identify yourself prior to speaking, clarifying the organization on whose behalf you are speaking, or if you are making a personal comment.
- Mute yourself when not speaking. (\*6 will take you on and off mute.)

### AGENDA ITEMS

- 1) **Roll Call of Voting Members** – WHPA Staff (Wendy Worrell) – 5 min
- 2) **Approval of Prior Meeting Minutes** – Chair (Bob Barks, CALBO) – 2 min
  - a. March 9, 2017
- 3) **HVAC Compliance Definition Matrix Status Update** – Chair (Bob Barks, CALBO) – 5 min
- 4) **Presentation: Online Permitting Working Group Memos for Input** – OPWG Chair (Allison Paul, CHF-CIRB) – 15 min
  - a. Legislative and Regulatory Policy Issues Affecting Online Permitting
  - b. Minimum Legal Requirements for Building Permit (HVAC Change Out)
- 5) **EBEE-AP Sub-Strategy 1.5.5 Potential Solutions White Paper Development** – Chair (Bob Barks, CALBO) – 30 min
  - a. Continued [Sub-Strategy 1.5.5 Solutions Worksheet Draft](#) Item Review (Gap 7 not yet discussed)
- 6) **Meeting Next Steps Overview** – Chair (Bob Barks, CALBO) - 3 min
  - a. Next Meeting: Thursday, May 11, 2017 from 8:30am – 9:30am PDT
  - b. Next Meeting Agenda (TBD):
- 7) **Adjournment** by 9:30am PDT – Chair (Bob Barks, CALBO)

### Approval of Prior Meeting Minutes

*WHPA Staff email distributed the draft March 9, 2017 minutes to the roster prior to the meeting.*

The Chair asked for a motion to approve the March 9, 2017 summary meeting notes. Eugene Silberstein (HVAC Excellence) so moved with a second from Barbara Hernesman (SynergyNexGen). There was unanimous approval based on voiced votes with no discussion. Lindsey Hawes (CSE) and Donald Prather (ACCA) abstained due to lack of attendance at the prior meeting.

**ACTION:** WHPA Staff to post the March 9, 2017 meeting minutes in final version on the WHPA Compliance Committee webpage.

### HVAC Compliance Definition Matrix Status Update

The Chair reported that he took the HVAC Compliance Matrix back to the WHPA Executive Committee (EC) with a request to adopt it as a WHPA work product. As per historical pattern, the EC held off the vote until some items could be further discussed following EC questioning of the alignment of some parties to responsibilities. As those parties were on the call, the Chair opened the meeting for discussion and presentation of some additional changes to the matrix.

### IOU REQUEST

Paul Thomas (SDG&E) reported that he has spoken with others from PG&E and SCE. He thanked the Committee for the hard work on the Matrix. He apologized for some of the confusion resulting from the IOUs not making their sensitivities as clear as was needed. Essentially, the IOUs have concern about compliance and the concept of policing codes and enforcement. The IOUs requested that the IOU column be removed completely from the matrix. Paul also indicated that the IOU column should not be under the “regulatory and legislative” section as they regulate as mandates are given to them, but the IOUs are not a regulatory or legislative body.

### DISCUSSION

The Chair asked the Compliance Committee for their comments on the IOU request.

- Eric Beriault (EnerGy) asked if removing the column makes it seem that the IOUs are not a stakeholder to the process.
- Paul Thomas (SDG&E) reported that their legal and policy personnel have given direction to “steer clear of the compliance issue” as the IOUs do not want to be perceived as having further responsibility for permitting than they have.
- Eric Beriault (EnerGy) voiced preference for looking at making edits, but not for removing the IOU column.
- Barbara Hernesman (SynergyNexGen) commented that while she appreciates the IOU viewpoint, she also believes they are a stakeholder. She asked if there is a more neutral solution than removing the IOU column.
- The Chair noted that the options are (1) removing the IOU column, or (2) determining how to address the IOU impact of compliance in the State.



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- Paul Kylo (WHPA Staff) suggested moving the IOU column to the Other Stakeholders' section on the far right of the Matrix, removing all factors, and then adding a row for "implement codes and standards programs" for the IOU column to show as a factor.
- Mark Meyers (CALBO) agreed with the IOU request to remove the column "as they are always reactionary to direction given to them. They are only trying to carry out that. It is not their intent to influence the process or the direction."
- The Chair requested that Option 1 be to move the IOU column and add a separate row specific to what the IOUs do in the marketplace, and that Option 2 be to remove the column completely. He clarified that if the Matrix is being altered, a motion and vote for the option being approved is needed.
- Paul Thomas (SDG&E) appreciated Paul Kylo's (WHPA Staff) suggestion and offered to take it to the IOU team for review, although he prefers Option 2 to completely remove the IOU column. He also voiced appreciation for Mark Meyers' comments as they support IOU thinking.
- Lindsey Hawes (CSE) voiced preference for Option 1 for the IOU column to be moved and adjusted as suggested since "once SB1414 is up and running, the IOUs will be paying a role." She also noted that the idea of being reactive also applies largely to building departments but that they have a column clarifying where they are a factor to the process.
- Mark Meyers clarified that the difference is that building departments work on health and safety code and energy code. CPUC directs Utilities to implement programs. Whatever program the Utilities elects, CPUC approves. All the Utilities do is carry out CPUC direction. What value is added by having the IOUs on the matrix?
- The Chair cautioned that Mark Meyers' (CALBO) comments would put the IOUs under CPUC on the regulatory column.
- Barbara Hernesman (SynergyNexGen) agreed with Lindsey Hawes (CSE) that the IOUs are an influencer. "If the IOU column is missing completely, it would create confusion in the marketplace. IOUs do play a role as stakeholders in our industry."
- Mark Meyers (CALBO) asked if any of the green boxes under the IOUs is required. He did not see any that were required through the IOUs. We put it in there for rebate programs, but many don't qualify for them and rebate programs come and go.
- Eric Beriault (EnerGuy) voiced support for Option 1.
- Paul Kylo (WHPA Staff) suggested that Paul Thomas (SDG&E) be given the opportunity to see if the suggested alternative (Option 1) is a viable solution for the IOUs before a vote occurs.
- Paul Thomas (SDG&E) agreed to take the alternative suggestion to his colleagues for IOU review, but asked for a modified Matrix document to show exactly what was suggested as well as one to show what it would look like with the IOU column removed for comparison.

### DECISION

#### **Motion**

Mark Meyers (CALBO) motioned to prepare 2 HVAC Compliance Definition Matrix documents, one for Option 1 with the Utility column moved to the "Other Stakeholder" section, removal of the existing factors, and addition of a factor for "implement codes and standards programs", and one for Option 2 with the Utility column removed completely, for Paul Thomas (SDG&E) to take to the IOUs for review. Eric Taylor (Enalaysys) seconded the motion.

#### **Motion Discussion**

There was no further discussion.

#### **Vote**

The motion carried with voiced "aye" consensus of the present voting panel members. Zero "nay" votes were cast. Cynthia Moore (CSLB) and Aniruddh Roy (Goodman Manufacturing) abstained.

**ACTION:** WHPA Staff (Paul Kylo) to prepare the two (2) required HVAC Compliance Definition Matrix documents for Paul Thomas to take to the IOUs for review.

**ACTION:** Paul Thomas (SDG&E) to provide an update on the IOU decision on the HVAC Compliance Definition Matrix options by the next WHPA Compliance Committee meeting.

#### **Presentation: Online Permitting Working Group Memos for Input**

The WHPA Online Permitting Working Group (OPWG) Chair, Allison Paul (CHF-CIRB), reported that the OPWG has two (2) memos ready for review focused on the legislative and regulatory policy issues affecting online permitting, and on the minimum legal requirements for a building permit related to HVAC change outs.



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### LEGISLATIVE and REGULATORY POLICY ISSUES AFFECTING ONLINE PERMITTING

The OPWG Chair reported that she led this group in the development of the Memo. They reviewed AB 802, SB 350, and SB 1414 as they relate to online permitting. The Memo includes clarification of the bills and conclusions. There were not many comments or concerns raised by the OPWG during development of the Memo.

#### **Discussion**

Although time was given for the Compliance Committee participants to comment during the meeting call, no comments or concerns were voiced.

### MINIMUM LEGAL REQUIREMENTS for BUILDING PERMIT (HVAC CHANGE OUT)

The OPWG Chair reported that Eric Beriault (EnerGy) led this group and that he and EnerGy did a lot of work developing it.

Eric Beriault (EnerGy) reported that he received help from other OPWG members for where to find the minimum legal requirements for a building permit information. He then reviewed and narrowed down the information. He also compared the permit requirements to the CF-1R form to determine similarities and opportunities for alignment since both are obligations to be completed at the time of a permit.

The OPWG Chair reported that there was one (1) nay vote on this Memo at the OPWG level, primarily as the individual felt that EnergyCodeAce was missing. It was decided at the OPWG level that EnergyCodeAce was better used as a resource for the developing Best Practices in Online Permitting Memo.

#### **Discussion**

There was significant discussion about the Minimum Legal Requirements' Memo.

- Donald Prather (ACCA) noted that "Licensed Design Professional" may not be required for mechanical system replacement.
- Eric Beriault (EnerGy) agreed that there are a lot of things that are included on the permit that may not be applicable.
- The Compliance Chair clarified that Table 1 is directly from AB 2335. It is what the law states, although some of it is optional. The law defined what needed to be on the building docs for a building/owner. There is no law that is specific to what contractors must put on a permit.
- Charles Segerstrom (Consultant) cautioned about the need to clarify what is being looked at for the type of project – for example, the role of an engineer and architect is different for new construction.
- Donald Prather (ACCA) agreed with the clarification after seeing "optional" listed on Appendix B.
- WHPA Staff (Wendy Worrell) suggested that the optional content be cross referenced to Table 1 in the narrative pages for clarification.
- Mark Meyers (CALBO) reported that the optional content needs additional work to clarify that either the licensed contractor's declaration or the owner-builder's declaration is required.

**ACTION:** WHPA Staff to add clarification for the licensed contractor declaration and the owner-builder declaration on the Minimum Legal Requirements' Memo to ensure understanding that one declaration must be selected and that once it is selected, it is no longer optional. Suggestion to move them to a new section for "One or the Other".

### MEMO ESCALATION VOTING

The Chair asked for a motion for how to act on the presented Online Permitting Working Group Memos.

#### **Motion**

Enalasy (Eric Taylor) motioned that the Legislative and Regulatory Policy Issues Affecting Online Permitting Memo be passed for escalation to the WHPA Executive Committee, and that the Minimum Legal Requirements for a Building Permit Memo be passed with the suggested revisions for escalation to the WHPA Executive Committee. IHACI (Bob Wiseman) seconded the motion.

#### **Motion Discussion**

The Chair asked for clarification of the motion to determine if it was for the Legislative Memo be escalated to the EC today and that the Mechanical Permits Memo be revised and then escalated without additional Compliance Committee review. Eric Taylor (Enalasy) confirmed his suggestion to add the content and then send it without additional Compliance Committee review.



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### Vote

The motion carried with voiced “aye” consensus of the present voting panel members. Zero “nay” votes were cast. CEC (Lea Haro) abstained.

### EBEE-AP Sub-Strategy 1.5.5 Potential Solutions White Paper Development

REFERENCE DOCUMENT: [03-09-17 Ref: Compliance EBEE-AP 1-5-5 Solutions Worksheet 03-07-17 Draft](#)

As remaining meeting time was limited, discussion focused on timeline. Although Gap 7 still needs to be vetted, suggestion was made to have draft white paper content developed for the Gaps already vetted for initial review at the next Compliance Committee meeting.

WHPA Staff (Paul Kylo) reported that he will do what he can but due to an early May deadline on another project, he may not be able to have the draft content developed for the May Compliance Committee meeting.

**ACTION:** WHPA Staff to begin drafting the EBEE-AP Sub-Strategy 1.5.5 Potential Solutions White Paper based on the draft Worksheet content and prior meeting discussions.

### Meeting Next Steps

The Chair confirmed that per the recurring schedule (the second Thursday of each month), the next Compliance Committee meeting is planned for May 11, 2017 from 8:30am – 9:30am PDT. The agenda will be distributed prior to the meeting but is expected to include voting on the revised HVAC Compliance Definition Matrix, plus discussion of the draft EBEE-AP Sub-Strategy 1.5.5 Identified Gaps Potential Solutions White Paper.

### Closing Comments/Adjournment

There was discussion about the lack of permit complaints being submitted to CSLB.

- Cynthia Moore with CSLB made plea for action as they are not getting permit complaints even though they know there is a lack of compliance and they have Staff to investigate claims once they receive them. If the lack of complaints continues, they will need to move existing Staff to other areas.
- Mark Meyers (CALBO) confirmed that it will be a topic for CALBO’s meeting today.
- Mike Carson (Brody Pennell) reported that it is difficult to get the information of who won the bids they lost.
- Cynthia Moore (CSLB) reported that they will “take whatever they can get” to help.
- Bob Wiseman (IHACI) asked for what specifically CSLB is seeking for complaint reporting for enforcement.
- Cynthia Moore (CSLB) reported they have a permit compliant form. She noted that they usually have contractors confess once they contact them.

**ACTION:** CSLB to send their [permit complaint form](#) to WHPA Staff ([wendy@performancealliance.com](mailto:wendy@performancealliance.com)) to distribute to the roster.

- Cynthia Moore (CSLB) confirmed that their Inspectors cover the entire state of California. The issue they have is that they do not have enough work for the inspectors they currently have. They know there is work to do if they get information.
- Donald Prather (ACCA) suggested following trucks from distributors.
- Cynthia Moore (CSLB) noted that these are in-house investigators and that it is not practical to have them driving around and then taking the additional time to follow up with building departments, etcetera.

Eric Taylor (Enalays) motioned to adjourn the meeting with a second from Eric Beriault (EnerGy). The Chair adjourned the meeting at 9:32 a.m. PDT based in unanimous approval with no discussion.

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### Summary of Action Items and Key Decisions (from above)

#### ACTION ITEMS

1. **ACTION:** WHPA Staff to post the March 9, 2017 meeting minutes in final version on the WHPA Compliance Committee webpage. (DONE)
2. **ACTION:** WHPA Staff (Paul Kylo) to prepare the two (2) required HVAC Compliance Definition Matrix documents for Paul Thomas to take to the IOUs for review. (DONE)



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3. **ACTION:** Paul Thomas (SDG&E) to provide an update on the IOU decision on the HVAC Compliance Definition Matrix options by the next WHPA Compliance Committee meeting. (DONE)
4. **ACTION:** WHPA Staff to add clarification for the licensed contractor declaration and the owner-builder declaration on the Minimum Legal Requirements' Memo to ensure understanding that one declaration must be selected and that once it is selected, it is no longer optional. Suggestion to move them to a new section for "One or the Other". (DONE)
5. **ACTION:** CSLB to send their [permit complaint form](#) to WHPA Staff ([wendy@performancealliance.com](mailto:wendy@performancealliance.com)) to distribute to the roster. (DONE)
6. **ACTION:** WHPA Staff to begin drafting the EBEE-AP Sub-Strategy 1.5.5 Potential Solutions White Paper based on the draft Worksheet content and prior meeting discussions. (IN PROCESS)

### DECISIONS

1. To satisfy IOU concerns about the IOU column on the HVAC Compliance Definition Matrix, the WHPA Compliance Committee agreed to provide the IOUs (via Paul Thomas with SDG&E) with two (2) Compliance Definition Matrix documents, one for Option 1 with the Utility column moved to the "Other Stakeholder" section, removal of the existing factors, and addition of a factor for "implement codes and standards programs", and one for Option 2 with the Utility column removed completely.
2. The Compliance Committee agreed to escalate the Legislative and Regulatory Policy Issues Affecting Online Permitting Memo as is to the WHPA Executive Committee.
3. The Compliance Committee agreed to escalate the Minimum Legal Requirements for a Building Permit Memo to the WHPA Executive Committee once the suggested revisions for clarification of Declaration requirements has been completed.

### FROM PRIOR MEETINGS

1. **ACTION:** The Compliance Committee Chair and WHPA Staff to further discuss when/if representatives from the: (1) WHPA Residential Quality Installation Committee should provide clarification on possibly aligning discussion focused on energy savings impacts, and (2) CPUC could provide updates on their research on the effects of compliant and noncompliant installations.