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June 22, 2010

Commissioner Anthony Eggert  
Commissioner Jeffrey Byron  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

Re: AB 1103 Regulations

Dear Commissioners Eggert and Byron:

I am writing on behalf of the Local Government Sustainable Energy Coalition (“LGSEC”)<sup>1</sup>, an association of California public entities formed to share information and resources to strengthen and leverage their communities’ commitment to a sustainable energy future. The LGSEC participates in public forums for policies and programs that support local sustainability initiatives, and is a unique voice for local governments at the State regulatory level. The LGSEC is writing in support of the comments you received last week from one of our members, the City and County of San Francisco (“San Francisco”), on the draft regulations implementing Assembly Bill (“AB”) 1103.

San Francisco’s comments convey clearly our support for benchmarking commercial buildings using the EPA Portfolio Manager platform. The LGSEC has been an active advocate for easy access to energy usage data in proceedings before your sister agency, the California Public Utilities Commission (“CPUC”).<sup>2</sup> This data will be necessary for local governments to comply with AB 32 mandates to reduce greenhouse gas emissions community wide. Local governments need a simple method for tracking the emissions in our communities from energy consumption. We not only need easy access to the data for our facilities (as can be found with U.S. EPA Portfolio Manager), but the building owners in our communities will need the data so they can comply with AB 1103. The utilities need to make that process easier and more expedient for all their customers. This activity should be consistent and coordinated across local governments.

In Decision 09-09-027, the CPUC instructed the investor-owned utilities:

...to work cooperatively with their local government partners to provide usage information on local government facilities and on building sectors in a jurisdiction or neighborhood, which the local governments are entitled to, and to facilitate the transfer of usage data for private buildings authorized by written paper or

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<sup>1</sup> The Local Government Sustainable Energy Coalition includes: the Association of Bay Area Governments, the Association of Monterey Bay Area Governments, the City of Berkeley, the City of Huntington Beach, the City of Irvine, the City of Pleasanton, the City and County of San Francisco, the City of Santa Monica, the County of Los Angeles, the County of Marin, the County of Ventura, the Energy Coalition, the South Bay Cities Council of Governments, StopWaste.org. Each of these organizations may have different views on elements of these comments, which were approved by the LGSEC’s Board.

<sup>2</sup> See, for example, *Comments of the LGSEC on Amended Utility Applications for 2009-2011 Energy Efficiency Programs*, CPUC Proceeding A.08-07-021, et al., April 17, 2009, p. 14; *Comments of the LGSEC on Proposed Decision Approving 2010 to 2012 Energy Efficiency Portfolios and Budgets*, A.08-07-021, et al., September 14, 2009, pp. 4-6.

electronic customer consent. We also direct the utilities to jointly devise a cost-effective means to accomplish this in a format that meets local government needs, and is compatible with AB 32 and related efforts. This methodology should be aligned statewide, and the system shall be operating by January, 2010.<sup>3</sup>

San Francisco correctly identified, in its June 14 letter to you, the need for whole building data. San Francisco also suggested modifications to the AB 1103 regulations that would accelerate the benchmarking of existing buildings. We urge you to adopt the recommendations put forward by San Francisco.

You may recall that we raised this issue at your May 17 workshop on the draft AB 1103 regulations, in which the LGSEC's representative participated by phone. We were informed by CEC staff that the CEC will be looking at related issues in proceedings to implement AB 758. To date, we have not received notification from the CEC about the status of those proceedings, nor have we been able to locate anything on your web site. We would appreciate further communication from you about work to implement AB 758, and how local governments might engage with you in that process.

Please contact me with any questions or comments.

Sincerely,



Jody S. London

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<sup>3</sup> CPUC Decision 09-09-027, p. 254. To our knowledge the system is not yet operating statewide.

