



March 15, 1996

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Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

BY HAND DELIVERY

RE: Docket No. 960023-EG  
Proposed Amendments to Energy Conservation Audit Rules

Dear Ms. Bayo:

Attached, for filing, are the original and fifteen copies of LEAF's comments in the above referenced docket. Thanks for your assistance.

Sincerely,

*Debra Swim*

Debra Swim  
Attorney  
Energy Advocacy Project

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COMMENTS ON PROPOSED AMENDMENTS TO THE PUBLIC SERVICE COMMISSION'S  
ENERGY CONSERVATION AUDIT RULES  
DOCKET NO. 960023-EG

The proposed amendments' stated "Purpose and Effect" is to repeal provisions that were mandated by a now obsolete provision of federal law and to streamline and consolidate remaining relevant provisions. Though it could be implied that provisions to be repealed were authorized or required only by the obsolete federal law, a number of provisions proposed for repeal remain within the Commission's statutory rulemaking authority under under §366.82, Florida Statutes (Florida Energy Efficiency and Conservation Act). Thus, it would be wrong to conclude that these provisions must be repealed.

In particular, LEAF urges the Commission to retain rule provisions that address auditor qualifications (solar applications); post-installation inspections; and financing arrangements. The following comments address these and other issues in more detail. In addition, as a substitute for the five star rating system proposed for repeal, LEAF supports the proposals to use the Florida Building Energy-Efficiency Rating System Procedures as set forth in the amendments proposed by the Florida Department of Community Affairs.

Definitions

\* The definitions of Class A and Class B Audits include the term "qualified auditor". [25-17.003(2)(a),(b)]. It may be useful either to define the term in reference to rule 25-17.003(5), minimum auditor qualifications, or to reference that rule provision in the definition to clarify what is meant.

\* Though qualified auditors are clearly necessary for commercial and audits, the definitions of Commercial Audit and Industrial Audit do not refer to the need for a qualified auditor. [25-17.003(2)(c),(g)]. Minor changes in the provision relating to minimum auditor qualifications could be made to allow those qualifications to apply to commercial auditors as well: references to the word "residential" could be deleted and replaced with the term "building" or "structure".

\* The definitions of Conservation Measures and Conservation Practices should be amended to add a category for additional appropriate items that may not have been included in the examples or the introductory language to each list of items should use the

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word "including" to indicate that it is not an exhaustive or definitive list. [25-17.003(2)(d),(e)].

#### Scope

\* Paragraph (c) of this section provides that utilities may offer commercial or industrial audits. The Commission has the statutory authority under §366.82(5) F.S., to require such audits. A requirement would not impose any additional burden on utilities since they are already conducting such audits. In addition, such a requirement should include provisions to assure that such auditors meet minimum qualifications.

#### Minimum Auditor Qualifications

\* As noted above, the term "residential" should be deleted so that the qualifications provision may be applied to any utility auditor.

\* The proposed amendments would delete from the minimum curriculum requirements Item 7 -- which now reads as follows: "The nature of solar energy and of residential applications including: Insolation (sic,; shading; heat capture and transport; and heat transfer for hot water and space heating where appropriate;". There is no rationale for deleting this provision. Utilities are currently giving token attention to the use of solar applications; to delete this provision would give permission to them to ignore solar energy altogether in audits.

#### Performance of the Audit

\* In lieu of or in addition to providing the calculation described in paragraph (d)4, the auditor should be required to inform the customer how best to optimize savings from combining measures. If a calculation is to be provided, it should be designed to indicate how total savings may be "different from" (rather than "less than") the sum of individual measure savings.

#### Energy Audit Disclosures and Disclaimers

\* The statements required to be provided to customers by paragraphs (a) and (d) would greatly benefit from some "plain language" revisions. Words like "incur", "realize" and "warrant" may not be very meaningful to less sophisticated customers.

\* Paragraph (c) requires the customer to make a request for the results of a prior audit in order for the auditor to disclose it. This is an unreasonable and unnecessary burden on the customer who is very unlikely to know of or even consider the possibility of there being another audit. Since the utility has access to this information and the cost of their obtaining it is minimal, the auditor should disclose this in every case if it is available.

### Installation and Financing Arrangements

\* The existing section, 25-17.061 proposed for deletion is entitled "Financing and Installation Arrangements". Not only are installation arrangements now proposed to be voluntary rather than required, but the requirements for financing are deleted altogether. No rationale is provided for deleting these provisions and the authority to require installation and financing arrangements continues to exist in FEECA. LEAF urges the Commission to retain the installation and financing provisions.

### Post-audit Inspection

\* Proposed paragraphs (a) and (b) are inconsistent regarding the issue of whether the utility must inspect installations it performs or those it recommends or both. Paragraph (a) states that the utility performing the audit must ensure that its recommended installations conform. Paragraph (b) states that the utility performing the installations is responsible for measures installed on its recommendation. This needs to be clarified.

\* Existing 25-17.056(5) requires that all post-installation inspections be conducted by a qualified inspector with no financial interest in the contractor who installed the measure unless the contractor is the utility. This provision has been proposed for deletion. There is no rationale for this deletion. The requirement for both a qualified inspector and one not financially related to the contractor are extremely reasonable and non-burdensome requirements that should be retained.

### Section 12

\* We note that this section is the only one without a narrative heading. More substantively, paragraph (6) of the existing rule, which appears with strike-out lines at the end of this provision, relating to timeframes for commercial or industrial audits, is being deleted. Again, we believe that the Commission should require such audits and that, even if they remain voluntary, some limitations can be applied. A 120 day time frame for performance of an audit after a request is certainly generous and should not be burdensome for utilities.

### Program Record Keeping

\* The reference in Paragraph (b) to Rule 25-17.003(11) (a) seems to be in error.