

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 19, 2019
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Office of the General Counsel *ah*
RE: Docket No. 20190000-OT

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2019 JUN 19 PM 3:59
COMMISSION
CLERK

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

June 19, 2019

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, The Capitol
Tallahassee, FL 32399-0250

Via email

Re: Technical changes to Rule 25-17.003, F.A.C.; Docket No. 20190000-OT

Dear Mr. Reddick:

We need to make the following technical changes to the Law Implemented section of Rule 25-17.003:

25-17.003 Energy Audits.

....

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a), (f), 366.82(5), (7) (11), (13) FS. History—New 12-2-80, Amended 12-30-82, Formerly 25-17.03, Amended 11-24-86, 5-10-93, 7-14-96, 2-3-14.

Please let me know if you have any questions. I can be contacted at (850) 413-6076 or mduval@psc.state.fl.us.

Sincerely,

/s/ Margo A. DuVal

Margo A. DuVal
Senior Attorney

cc: Jamie Jackson (via email)
Commission Clerk

1 **25-17.003 Energy Audits.**

2 (1) Purpose. This rule specifies the minimum requirements for performing energy audits
3 by every utility that falls under the definition of “utility” in Section 366.82(1), F.S.

4 (2) Definitions.

5 (a) “Building Energy-Efficiency Rating System (BERS) Audit” means an energy analysis
6 of a residence performed in compliance with Section 553.995, F.S.

7 (b) “Computer-Assisted Audit” means an energy analysis of a residence in which a
8 qualified auditor performs a comprehensive on-site evaluation of the residence in accordance
9 with subsection (6) and paragraphs (7)(c) and (7)(d), and, if applicable, provides installation
10 arrangements and inspections pursuant to this rule.

11 (c) “Commercial Audit” means an energy analysis of a commercial building and its
12 associated energy systems to determine its energy efficiency and to identify for the customer
13 those measures that may improve its energy efficiency.

14 (d) “Conservation Measures” refers to replacing, upgrading, or installing equipment which
15 reduces energy usage or peak demand contribution, such as the:

- 16 1. Installation of clock thermostat;
- 17 2. Replacement of furnace or boiler;
- 18 3. Replacement of resistance heat with heat pump or natural gas furnace;
- 19 4. Replacement of central air conditioning system;
- 20 5. Installation of duct or pipe insulation;
- 21 6. Sealing leaks in pipes and ducts;
- 22 7. Caulking of windows or doors;
- 23 8. Weatherstripping of windows or doors;
- 24 9. Installation of heat-reflective, heat-gain retardant, and heat-absorbing window or door
25 materials;

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

- 1 10. Insertion of plastic window panels;
- 2 11. Installation of storm or thermal windows;
- 3 12. Installation of wall insulation;
- 4 13. Installation of ceiling insulation;
- 5 14. Installation of floor insulation;
- 6 15. Plugging leaks in attic, basement, and fireplace;
- 7 16. Installation of waste heat recovery water heating system;
- 8 17. Installation of heat pump or natural gas water heater;
- 9 18. Installation of solar water heating system;
- 10 19. Installation of water heater insulation;
- 11 20. Installation of water flow restrictors in showers and faucets;
- 12 21. Installation of solar swimming pool heating system; and
- 13 22. Installation of load management devices, where load management rates are offered.
- 14 (e) "Conservation Practices" refers to actions performed by a customer which reduce
- 15 energy usage or peak demand contribution, such as:
 - 16 1. Furnace efficiency maintenance and adjustments;
 - 17 2. Cooling system efficiency maintenance and adjustments;
 - 18 3. Nighttime temperature setback;
 - 19 4. Reduction of thermostat setting in winter;
 - 20 5. Increase of thermostat setting in summer;
 - 21 6. Reduction of hot water temperature;
 - 22 7. Reduction of energy use when residence is unoccupied; and
 - 23 8. Efficient use of shading.
- 24 (f) "Eligible Customer" means the owner or occupant of a residence that receives a bill for
- 25 service from a utility.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 (g) "Industrial Audit" means an energy analysis of an industrial facility and its associated
2 energy systems to determine its energy efficiency and to identify for the customer those
3 measures that may improve its energy efficiency.

4 (h) "Mail-in Audit" means an energy analysis of a residence or building in which the
5 utility supplies to the eligible customer a data collection form which is completed by the
6 customer, and, upon receipt of the completed form, the utility analyzes the data and submits to
7 the customer the results of its evaluation.

8 (i) "Walk-Through Audit" means an energy analysis of a residence in which a qualified
9 auditor walks through the residence making extensive observations as to the physical structure
10 and components, performs simplified heat gain and heat loss computations, and advises the
11 customer of feasible energy conservation practices and measures.

12 (3) Scope.

13 (a) All utilities are required to offer eligible residential customers BERS Audits which
14 comply with subsections (12), (13) and (14) below.

15 (b) All utilities are required to offer eligible residential customers Computer-Assisted and
16 Walk-Through Audits which comply with subsections (4) through (14) below. Prior to
17 conducting Computer-Assisted and Walk-Through Audits, procedures for conducting these
18 audits must be approved by the Commission.

19 (c) Any utility may offer Mail-In Audits to eligible customers. Every utility that performs
20 Mail-In Audits shall comply with subsections (13) and (14) below.

21 (d) Any utility may offer a Commercial or Industrial Audit to commercial and industrial
22 customers. Every utility that performs Commercial or Industrial Audits shall comply with
23 subsections (13) and (14) below.

24 (4) Energy Audit Charges.

25 (a) Every public utility shall charge an eligible customer for a BERS Audit. The amount of

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions
from existing law.

1 this charge, which shall reflect actual cost, shall first be filed with the Commission as part of
2 the utility's tariff.

3 (b) Every utility may charge an eligible customer for a Computer-Assisted Audit. The
4 amount of this charge, which shall not exceed \$15, shall first be filed with the Commission as
5 part of the utility's tariff.

6 (c) Every utility may charge an eligible customer for a Walk-Through Audit. The amount
7 of this charge, which shall not exceed \$5, shall first be filed with the Commission as part of
8 the utility's tariff.

9 (d) Every utility may charge an eligible customer for a Commercial or Industrial Audit.
10 The amount of this charge shall not exceed the actual cost of providing the audit.

11 (5) Minimum Auditor Qualifications.

12 (a) Every utility shall certify that each of its residential energy auditors meets the
13 minimum qualifications in paragraph (5)(b).

14 (b) To be qualified to perform energy audits, a person must:

15 1. Have been trained in a program meeting the curriculum requirements of paragraph
16 (5)(c); and

17 2. Have demonstrated a proficiency in the areas listed in paragraph (5)(c) through a written
18 test or practical demonstration.

19 (c) At a minimum, the curriculum to be followed in training auditors shall include
20 instruction in the following areas:

21 1. The three types of heat transfer and the effects of temperature and humidity on heat
22 transfer;

23 2. General mathematics, including powers of ten, decimals and fractions, simple equations,
24 heat loss and heat gain computations utilizing British Thermal Units (BTUs), and pay back
25 calculations;

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions
from existing law.

- 1 3. Utility billing procedures, meter reading, and identification of weather sensitive
2 consumption relationships based on a customer's billing history;
- 3 4. Residential construction terminology and components;
- 4 5. The operation of heating and cooling systems used in residential buildings; and
- 5 6. The application of energy conservation practices and measures including the advantages
6 and disadvantages of each.
- 7 (6) Pre-audit performance criteria for Computer-Assisted Audits.
- 8 (a) Every utility shall adopt procedures to assure that estimates of energy cost savings and
9 costs for conservation measures are based on:
- 10 1. Typical and recent local prices for materials and installation;
- 11 2. Typical local climate data for the audited residence; and
- 12 3. Typical local price of electricity.
- 13 (b) At least twice annually, each utility shall update the data collected pursuant to
14 paragraph (6)(a).
- 15 (7) Performance of the audit.
- 16 (a) Upon arrival at a residence, the auditor shall provide proper identification and confirm
17 the customer's understanding of the scope and cost of the audit.
- 18 1. The auditor shall discontinue or decline to perform the audit if the customer, at any
19 time, objects to its performance.
- 20 2. The auditor may discontinue or decline to perform the audit if the auditor determines
21 that continuation of the audit may be dangerous.
- 22 (b) The auditor shall determine and explain to the customer which conservation practices
23 are applicable and recommend that the customer apply them prior to or in conjunction with
24 adopting any conservation measure.
- 25 (c) For Computer-Assisted Audits, to determine the appropriate conservation measures,
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions
from existing law.

1 the auditor shall gather and record the following information where applicable:

- 2 1. Exterior opaque wall area, including present level of wall insulation;
- 3 2. Type and condition of exterior window and door areas;
- 4 3. Ceiling area, including present level of attic insulation;
- 5 4. Floor area, including present level of floor insulation, if any;
- 6 5. Water heater size, age, and type;
- 7 6. Air conditioning system type, size, age, fuel type, and duct condition;
- 8 7. Heating system type, size, age, and fuel type; and
- 9 8. Other items as appropriate.

10 (d) For Computer-Assisted Audits, using the data gathered pursuant to paragraph (7)(c),

11 the auditor shall provide the customer with a result sheet showing:

- 12 1. An estimate of the potential energy and cost savings of each applicable conservation
13 measure;
- 14 2. An estimate of the total installation cost for each applicable conservation measure, both
15 by the customer and by a contractor;
- 16 3. An estimate of the expected payback time for the customer's cost of purchasing and
17 installing each applicable conservation measure, calculated using the anticipated percentage
18 change in energy costs;
- 19 4. An example calculation which clearly indicates that total energy cost savings from the
20 installation of more than one conservation measure could be different from the sum of energy
21 cost savings of each individually installed conservation measure; and
- 22 5. An explanation of the availability of energy conservation and load management
23 programs.

24 (8) Energy Audit Disclosures and Disclaimers.

25 (a) Each Computer-Assisted Audit result sheet shall include the following or similar

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 statement: "The procedures used to make these installation cost and energy savings estimates
2 are consistent with Commission rules and good engineering practices. However, the actual
3 installation costs you incur and energy savings you realize from installing these measures may
4 be different from the estimates contained in this audit report. Although the estimates are based
5 on measurements of your house, they are also based on assumptions which may not be entirely
6 correct for your household due to differing energy use patterns."

7 (b) The auditor shall provide the eligible customer with a written statement of any interest,
8 direct or indirect, which the auditor or the utility has in the sale or installation of any energy
9 conservation measure.

10 (c) Upon customer request, the auditor shall disclose the results of any prior audit of the
11 customer's residence if such records are still available.

12 (d) The results of the energy audit shall contain the following or a similar disclaimer: "The
13 utility does not warrant or guarantee the audit findings or recommendations, nor is the utility
14 liable as a result of the audit for the acts or omissions of any person who implements or
15 attempts to implement those conservation measures recommended by the auditor."

16 (9) Installation Arrangements.

17 (a) A utility may offer installation arrangement services such as providing a list of
18 suppliers and installers of conservation measures.

19 (b) If a utility provides these services, the availability of the services shall be noted on the
20 written results of the energy audit.

21 (c) When arranging installation services pursuant to this rule, a utility shall not:

22 1. Discriminate among eligible customers, suppliers, or contractors; or

23 2. Arrange for installation of any measure which is not included in the utility's most recent
24 Demand Side Management Plan approved by the Commission.

25 (10) Post-Audit Inspection.

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions
from existing law.

1 (a) To ensure quality control, the utility performing the audit shall ensure that its
2 recommended installations conform to quality standards.

3 (b) The utility performing the audit shall be responsible for performing post-audit
4 inspections of 10 percent of each type of energy conservation measure installed as a result of
5 the utility's recommendation.

6 (c) The utility shall reinspect a residence if a violation of materials or installation standards
7 is found.

8 (11) Program announcement.

9 (a) Each utility shall send a program announcement to all eligible customers at least every
10 six months.

11 (b) The program announcement shall describe the BERS, Computer-Assisted, and Walk-
12 Through Audits, offer them to all eligible customers, and advise eligible customers of any fee
13 charged for the audits.

14 (c) A gas utility and an electric utility servicing the same geographical area are encouraged
15 to jointly issue a single Program Announcement.

16 (12) For every customer requesting either a BERS, Computer-Assisted, or Walk-Through
17 Audit, every utility shall:

18 (a) Advise the customer as to the scope and cost of the audit;

19 (b) Schedule the audit within 15 days of an eligible customer's request, as well as provide
20 the name, title, and phone number of the auditor; and

21 (c) Perform the audit within 21 days of scheduling it, unless the eligible customer requests
22 a later date.

23 (13) Program Record Keeping.

24 (a) For every audit performed, every utility shall keep for 3 years from the audit
25 performance a record that consists of the customer's energy use for 12 months prior and 12

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions
from existing law.

1 months after the date of the audit. The record shall list the amount of electricity or natural gas
2 purchased for every month of both 12 month periods.

3 (b) Every electric utility shall record the amount collected pursuant to subsection 25-
4 17.003(4), F.A.C., in subaccounts within Account 456. Every gas utility shall record the
5 amount collected pursuant to subsection 25-17.003(4), F.A.C., in subaccounts within Account
6 495.

7 (14) Contracts for Performing Audits. Any utility may contract with another entity to
8 perform the audits required by this rule.

9 *Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a), (f),*
10 *366.82(11), (13) ~~(5), (7)~~ FS. History—New 12-2-80, Amended 12-30-82, Formerly 25-17.03,*
11 *Amended 11-24-86, 5-10-93, 7-14-96, 2-3-14.*

12
13
14
15
16
17
18
19
20
21
22
23
24
25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.