

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

May 30, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF APPEALS (HELTON) *Walt*
DIVISION OF ELECTRIC & GAS (HAFF) *msls DS RZ*
DIVISION OF RESEARCH & REGULATORY REVIEW (HEWITT) *JDJ*

RE: DOCKET NO. 960023-EG - PROPOSED AMENDMENTS TO RULE 25-17.003, F.A.C., ENERGY AUDITS; AND PROPOSED REPEAL OF RULES 25-17.051, F.A.C., DEFINITIONS AS USED IN THIS PART; 25-17.052, F.A.C., AUDITORS, MINIMUM QUALIFICATIONS; 25-17.053, F.A.C., PROGRAM ANNOUNCEMENT; 25-17.054, F.A.C., ENERGY AUDIT; OFFER AND INITIAL CONTACT; 25-17.0545, F.A.C., CONTRACTS FOR PERFORMING AUDITS; 25-17.055, F.A.C., PERFORMANCE OF THE ENERGY CONSERVATION AUDIT; 25-17.0555, F.A.C., THE FIVE-STAR RATING SYSTEM; 25-17.056, F.A.C., PROGRAM INSPECTIONS; 25-17.057, F.A.C., ENERGY CONSERVATION AUDIT RESULTS; 25-17.059, F.A.C., ENERGY CONSERVATION AUDIT CHARGES, DISCLOSURES, AND DISCLAIMERS; 25-17.061, F.A.C., FINANCING AND INSTALLATION ARRANGEMENTS; 25-17.064, F.A.C., PROGRAM WORK PLANS AND REPORTS; AND 25-17.065, F.A.C., PROGRAM RECORDKEEPING.

AGENDA: 6/11/96 - REGULAR AGENDA - RULE ADOPTION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

RULE STATUS: ADOPTION MAY BE DEFERRED

SPECIAL INSTRUCTIONS: S:\PSC\APP\WP\960023AD.RCM

CASE BACKGROUND

The Department of Community Affairs (DCA), Tampa Electric Company (TECO), and the Legal Environmental Assistance Foundation (LEAF) timely filed comments concerning the proposed amendments to Rule 25-17.003, Florida Administrative Code, which were published in the Florida Administrative Weekly on February 23, 1996. Staff is recommending that changes be made to Rule 25-17.003 based on the comments as discussed below.

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FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission adopt the amendments to Rule 25-17.003, F.A.C., Energy Audits; and adopt the repeal of Rules 25-17.051, F.A.C., Definitions as Used in this Part; 25-17.052, F.A.C., Auditors, Minimum Qualifications; 25-17.053, F.A.C., Program Announcement; 25-17.054, F.A.C., Energy Audit; Offer and Initial Contact; 25-17.0545, F.A.C., Contracts for Performing Audits; 25-17.055, F.A.C., Performance of the Energy Conservation Audit; 25-17.0555, F.A.C., The Five-Star Rating System; 25-17.056, F.A.C., Program Inspections; 25-17.057, F.A.C., Energy Conservation Audit Results; 25-17.059, F.A.C., Energy Conservation Audit Charges, Disclosures, and Disclaimers; 25-17.061, F.A.C., Financing and Installation Arrangements; 25-17.064, F.A.C., Program Work Plans and Reports; and 25-17.065, F.A.C., Program Recordkeeping, with changes?

RECOMMENDATION: Yes, the rules should be adopted with the attached redlined changes.

STAFF ANALYSIS: Both DCA and LEAF recommended a major change to Rule 25-17.003. They both have urged the Commission to adopt the Building Energy-Efficiency Rating System (BERS) as set forth in Sections 553.990-.998, Florida Statutes. The purpose of BERS, according to Section 553.991, Florida Statutes, is "to provide for a statewide uniform system for rating the energy efficiency of buildings and to ensure that those ratings are disclosed to prospective purchasers at their request." The DCA is responsible for implementing BERS, and has adopted Rules 9B-60.001-.006, Florida Administrative Code, to do so. In addition, at its February 20, 1996, internal affairs meeting, the Commission accepted the Building Code Task Force's recommendation to "adopt the state BERS rating system as the standard to replace [the] individual [utility] Five-Star Rating programs that are currently in place."¹ (DCA comments p. 1)

The DCA submitted language to require BERS Audits for residential and commercial customers. Staff agrees that the Commission should require utilities to offer BERS Audits to residential customers. However, in the past, it has been the Commission's policy that a utility offer Commercial and Industrial Audits on a voluntary basis. In keeping with this policy, staff

¹ The proposed amendments and repeal of the current audit rules eliminate the Five Star Rating System. If the proposed rules are adopted without adding the BERS Audit, no Commission-mandated rating system will be required of Florida's electric utilities.

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does not recommend that utilities be required to offer BERS Audits for commercial and industrial customers. Staff notes that companies exist now that are in the business of providing BERS Audits; therefore, this policy will not prohibit commercial and industrial customers from obtaining a BERS Audit.

The specifics of requiring utilities to offer BERS Audits are discussed in more detail below. In addition, the other comments raised by DCA, TECO, and LEAF are discussed below.

25-17.003(2), Definitions: In order to implement the requirement that utilities must perform BERS Audits, DCA suggested adding language to the proposed definitions for Class A Computer-Assisted and Class B Walk-Through Audits to encompass the BERS requirements. Instead of merging the BERS requirements into these audits, staff recommends a different definition be set forth to define a "Building Energy-Efficiency Rating System (BERS) Audit."²

In addition, to make the different categories of audits less confusing, staff recommends that the terms "Class A" and "Class B" be eliminated, and these audits simply be called Computer-Assisted and Walk-Through Audits.³ These changes have been made throughout the rule recommended for adoption.

LEAF suggested that the definitions for Conservation Measures and Conservation Practices be changed to make it clear that the measures and practices listed in the definitions are examples only.⁴ Staff agrees and recommends the redlined changes to these definitions be adopted.

TECO recommended that the definition of Commercial Audit be moved to fall immediately preceding the definition of Industrial Audit. Staff does not recommend this change be made. The definitions in subsection (2) are arranged alphabetically and should remain so.

TECO also recommended that the definition of Mail-In Audits be changed to reflect that a residence or building may be audited by this type of audit.⁵ TECO states that it audits commercial

² Recommended amendment to Rule 25-17.003(2)(a).

³ Recommended amendment to Rule 25-17.003(2)(b) & (i).

⁴ Recommended amendments to Rule 25-17.003(2)(d) & (e).

⁵ Recommended amendments to Rule 25-17.003(2)(h).

customers using mail-in audits, and that this change would make it clear this practice is allowed. Staff recommends TECO's suggestion be adopted.

25-17.003(3), Scope: If the Commission agrees that utilities should be required to offer BERS Audits, requirements concerning BERS audits should be added to the scope section.⁶

The proposed rule states that utilities may offer Commercial and Industrial Audits.⁷ In its comments, LEAF argues that utilities should be required to offer Commercial and Industrial Audits. Pursuant to Section 366.82(5), Florida Statutes, the Commission must require each utility to offer residential audits and "may extend this requirement to some or all commercial customers." As discussed above, in the past, the Commission has not required utilities to offer Commercial and Industrial Audits. As a practical matter, however, staff believes that all investor-owned utilities will continue to offer Commercial and Industrial Audits because it is a good business practice to do so. In addition, there are some municipal and cooperative utilities that do not offer Commercial and Industrial Audits, and to impose this requirement now would be unduly burdensome.

25-17.003(4), Energy Audit Charges: The DCA recommended that language be included in this subsection to allow utilities to charge "the average cost of a physical site audit plus \$15" for BERS Audits. Instead, staff recommends that utilities be required to charge residential customers the actual cost of the BERS Audit.⁸ This will ensure that other customers will not subsidize those customers who obtain a BERS Audit.

The DCA also recommended language to allow utilities to charge for Commercial and Industrial Audits. Staff had recommended and the Commission proposed that the existing language in subsection (6) be eliminated that allowed a utility to "recover the actual expenses incurred" in offering these audits. To make it clear that a utility may charge for these audits, staff now recommends that language be added to allow a utility to charge a customer no more than the actual cost of providing a Commercial or Industrial Audit.⁹

⁶ Recommended amendments to Rule 25-17.003(3)(a).

⁷ Proposed amendments to Rule 25-17.003(3)(d).

⁸ Recommended amendments to Rule 25-17.003(4)(a).

⁹ Recommended amendments to Rule 25-17.003(4)(d).

25-17.003(5), Minimum Auditor Qualifications: LEAF has suggested that the minimum auditor qualifications stated in this subsection be expanded to include those auditors that perform Commercial and Industrial Audits. In addition, LEAF has suggested that the definitions of Commercial and Industrial Audits be changed to make it clear that qualified auditors must also perform these audits.¹⁰

Each Commercial and Industrial Audit that a utility performs is different. Depending on the building or facility being audited, a different level of expertise and knowledge may be necessary. The minimum auditor qualifications for residential audits may not be pertinent to Commercial or Industrial Audits. In addition, the level of sophistication of commercial and industrial customers is usually much greater than that of residential customers. For these reasons, staff does not recommend that the minimum auditor qualifications be expanded to include Commercial and Industrial Audits.

LEAF also takes issue that the Commission did not propose including the existing qualification for auditors that they must be trained in "[t]he nature of solar energy and of residential applications including: Insulation; shading; heat capture and transport; and heat transfer for hot water and space heating where appropriate."¹¹ Staff did not recommend this qualification be proposed since calculations of solar heat gain should be done by a qualified solar contractor certified by the Florida Solar Energy Center. This requirement is simply too specialized for the Commission's rules.

25-17.003(7), Performance of the audit: Both DCA and LEAF suggested that subparagraph (7)(d)4. be changed to require auditors to perform an optimization calculation. These calculations are based on probable changes to the BERS requirements which have not yet been implemented by DCA. Until the DCA has established these requirements, it is premature to require optimization requirements in the Commission's rules.

LEAF also suggested a language clarification change to subparagraph (7)(d)4. Staff recommends this change be made.¹²

¹⁰ Proposed amendments to Rule 25-17.003(2)(c) & (g).

¹¹ Proposed repeal of Rule 25-17.052(2)(b)7.

¹² Recommended amendments to Rule 25-17.003(7)(d)4.

25-17.003(8), Energy Audit Disclosures and Disclaimers: LEAF suggested that paragraphs (8)(a) and (d) needed some "plain language" revisions so they will be "meaningful to less sophisticated customers," but did not offer any specific language changes. Staff recommends that the existing wording is appropriate.

LEAF also suggested that paragraph (8)(c) be expanded to require a utility to automatically provide a customer with previous audit results when an audit is requested. Staff recommends against this change since it would be unduly burdensome despite LEAF's assertion to the contrary. In addition, it is unclear how the automatic receipt of this information would benefit current customers requesting an audit.

25-17.003(9), Installations Arrangements: LEAF questions the Commission's proposed repeal of Rule 25-17.061 which requires utilities to offer installation and financing arrangements. The proposed amendments to subsection (9) provide that a utility may offer installation arrangements, and no proposed provision addresses financing. Staff recommends the proposed changes in policy are proper. The jump start which the installation and financing requirements offered is no longer necessary. Moreover, utilities are not in the construction or financing business.

25-17.003(10), Post-Audit Inspection: LEAF stated that paragraphs (10)(a) and (b) are inconsistent. Staff agrees and recommends the attached redlined change be made to paragraph (10)(b) to correct the inconsistency.

LEAF also questioned why the Commission did not retain the current requirement in Rule 25-17.056(5) 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. Staff recommends against the adoption of this requirement since subsection (10) requires utilities to ensure that installations conform to quality standards. There is no need for the language suggested by LEAF.

25-17.003(12): LEAF noted that this subsection is the only one without a narrative heading, but did not suggest any term be inserted. Staff recommends that a narrative heading is not necessary here.

LEAF also questioned the proposed deletion of the language in existing subsection (6) that set forth the time frame for conducting commercial and industrial audits. Since these audits

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are not mandatory, staff continues to recommend that this language be eliminated.

25-17.003(13), Program Record Keeping: LEAF correctly noted that the reference to Rule 25-17.003(11)(a) was in error. In the attached redlined changes, staff has recommended the rule references be corrected.¹³

In addition, TECO recommends the language in paragraph (13)(a) be changed to reflect that an electric utility is not required to maintain gas consumption records for the 24 months surrounding the audit, and that a gas utility not be required to maintain electric records. Staff recommends this change be adopted.

ISSUE 2: Should the Commission file the rules for adoption with changes and close the docket?

RECOMMENDATION: Yes. The Commission should file the rules for adoption with changes with the Secretary of State and close the docket.

STAFF ANALYSIS: The docket may be closed after the rules are filed for adoption.

Attachments:
Proposed rule with recommended changes
Written comments

¹³ Recommended amendments to Rule 25-17.003(13)(b).

1
2 25-17.003 Energy Audits, ~~Related Provisions.~~

3 (1) Purpose, ~~†~~ This rule specifies the minimum requirements
4 for performing energy audits by every each utility that falls under
5 the definition of "utility" in Section 366.82(1), Florida Statutes
6 ~~subject to the requirements of this rule.~~

7 ~~(2) Applicability: This rule applies to each utility as~~
8 ~~defined in s. 366.82(1), F.S.~~

9 ~~(2)(3)~~ Definitions, ~~†~~

10 ~~(a) "Alternative (Walk Through) Audit" means an energy audit~~
11 ~~as defined in Chapter 25-17.51(8), F.A.C.~~

12 (a) "Building Energy-Efficiency Rating System (BERS) Audit"
13 means an energy analysis of a residence performed in compliance
14 with Section 553.995, Florida Statutes, and Rules 9B-60.004(3) and
15 (4) and 9B-60.005, Florida Administrative Code.

16 ~~(b)(a)~~ "Class A Audit" means a "Computer-Assisted Audit"
17 means an energy analysis of a residence in which a qualified
18 auditor performs a comprehensive on-site evaluation of the
19 residence in accordance with subsection (6) and paragraphs (7)(c)
20 and (7)(d), and, if applicable, provides installation arrangements
21 and inspections pursuant to this rule.

22 ~~(b) "Class B Audit" means a walk through energy analysis of~~
23 ~~a residence in which a qualified auditor walks through the~~
24 ~~residence making extensive observations as to the physical~~
25 ~~structure and components, performs simplified heat gain and heat~~

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2 ~~less computations, and advises the customer of feasible energy~~
3 ~~conservation practices and measures.~~

4 (c)(b) "Commercial Audit" means an energy analysis of a
5 commercial building and its associated energy systems to determine
6 its energy efficiency and to identify for the customer those ~~most~~
7 effective measures that ~~which~~ may improve its energy efficiency.

8 ~~(c) "Energy Conservation Audit" means an energy audit as~~
9 ~~defined in Chapter 25-17.51(6), F.A.C.~~

10 (d) "Conservation Measures" refers to ~~the following examples~~
11 ~~of~~ replacing, upgrading, or installing equipment which reduces
12 energy usage or peak demand contribution, such as the:

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

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- 2 12. Installation of wall insulation;
- 3 13. Installation of ceiling insulation;
- 4 14. Installation of floor insulation;
- 5 15. Plugging leaks in attic, basement, and fireplace;
- 6 16. Installation of waste heat recovery water heating system;
- 7 17. Installation of heat pump or natural gas water heater;
- 8 18. Installation of solar water heating system;
- 9 19. Installation of water heater insulation;
- 10 20. Installation of water flow restrictors in showers and
- 11 faucets;
- 12 21. Installation of solar swimming pool heating system; and
- 13 22. Installation of load management devices, where load
- 14 management rates are offered.

15 (e) "Conservation Practices" refers to ~~the following~~ actions
16 performed by a customer which reduce energy usage or peak demand
17 contribution, such as:

- 18 1. Furnace efficiency maintenance and adjustments;
- 19 2. Cooling system efficiency maintenance and adjustments;
- 20 3. Nighttime temperature setback;
- 21 4. Reduction of thermostat setting in winter;
- 22 5. Increase of thermostat setting in summer;
- 23 6. Reduction of hot water temperature;
- 24 7. Reduction of energy use when residence is unoccupied; and
- 25 8. Efficient use of shading.

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2 (f) "Eligible Customer" means the owner or occupant of a
3 residence that receives a bill for service from a utility.

4 (g)(d) "Industrial Audit" means an energy analysis of an
5 industrial facility and its associated energy systems to determine
6 its energy efficiency and to identify for the customer those most
7 effective measures that which may improve its energy efficiency.

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

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

19 (3) Scope.

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

23 (b)(a) All utilities are required to offer eligible
24 residential customers Computer-Assisted and Walk-Through Class-A
25 and Class-B Audits which comply with subsections (4) through (14)

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2 below. Prior to conducting ~~Computer-Assisted and Walk-Through~~
3 ~~Class A and Class B Audits~~, procedures for conducting these audits
4 must be approved by the Commission.

5 ~~(c)-(b)~~ Any utility may offer ~~Mail-In mail-in~~ Audits to
6 eligible customers. Every utility that performs ~~Mail-In mail-in~~
7 Audits shall comply with subsections (13) and (14) below.

8 ~~(d)-(e)~~ Any utility may offer a ~~Commercial or Industrial~~
9 Audit to commercial and industrial customers. Every utility that
10 performs ~~Commercial or Industrial~~ Audits shall comply with
11 subsections (13) and (14) below.

12 (4) Energy Audit Charges.

13 ~~(a)~~ Every public utility shall charge an eligible customer
14 for a BERS Audit. The amount of this charge, which shall reflect
15 actual cost, shall first be filed with the Commission as part of
16 the utility's tariff.

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

21 ~~(c)-(b)~~ Every utility may charge an eligible customer for a
22 Walk-Through ~~Class B~~ Audit. The amount of this charge, which shall
23 not exceed \$5, shall first be filed with the Commission as part of
24 the utility's tariff.

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

5 (5) Minimum Auditor Qualifications.

6 (a) Every utility shall certify that each of its residential
7 energy auditors meets the minimum qualifications in paragraph
8 (5)(b). The certification, along with a list of auditors
9 performing energy audits, shall be filed annually with the
10 Director, Division of Electric and Gas, by September 30 of each
11 year.

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

- 13 1. Have been trained in a program meeting the
14 curriculum requirements of paragraph (5)(c); and
15 2. Have demonstrated a proficiency in the areas listed
16 in paragraph (5)(c) through a written test or
17 practical demonstration.

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

- 20 1. The three types of heat transfer and the effects of
21 temperature and humidity on heat transfer;
22 2. General mathematics, including powers of ten,
23 decimals and fractions, simple equations, heat loss
24 and heat gain computations utilizing British
25 Thermal Units (BTUs), and pay back calculations;

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2 3. Utility billing procedures, meter reading, and
3 identification of weather sensitive consumption
4 relationships based on a customer's billing
5 history;

6 4. Residential construction terminology and components;

7 5. The operation of heating and cooling systems used
8 in residential buildings; and

9 6. The application of energy conservation practices
10 and measures including the advantages and
11 disadvantages of each.

12 6) Pre-audit performance criteria for ~~Class A~~ Computer-Assisted
13 Class A Audits.

14 (a) Every utility shall adopt procedures to assure that
15 estimates of energy cost savings and costs for conservation
16 measures are based on:

17 1. Typical and recent local prices for materials and
18 installation;

19 2. Typical local climate data for the audited
20 residence; and

21 3. Typical local price of electricity.

22 (b) At least twice annually, each utility shall update the
23 data collected pursuant to paragraph (6) (a).

24 (7) Performance of the audit.
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2 (a) Upon arrival at a residence, the auditor shall provide
3 proper identification and confirm the customer's understanding of
4 the scope and cost of the audit.

5 1. The auditor shall discontinue or decline to perform
6 the audit if the customer, at any time, objects to
7 its performance.

8 2. The auditor may discontinue or decline to perform
9 the audit if the auditor determines that
10 continuation of the audit may be dangerous.

11 (b) The auditor shall determine and explain to the customer
12 which conservation practices are applicable and recommend that the
13 customer apply them prior to or in conjunction with adopting any
14 conservation measure.

15 (c) For ~~Computer-Assisted Class-A~~ Audits, to determine the
16 appropriate conservation measures, the auditor shall gather and
17 record the following information where applicable:

18 1. Exterior opaque wall area, including present level
19 of wall insulation;

20 2. Type and condition of exterior window and door
21 areas;

22 3. Ceiling area, including present level of attic
23 insulation;

24 4. Floor area, including present level of floor
25 insulation, if any;

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- 2 5. Water heater size, age, and type;
- 3 6. Air conditioning system type, size, age, fuel type,
- 4 and duct condition;
- 5 7. Heating system type, size, age, and fuel type; and
- 6 8. Other items as appropriate.

7 (d) For Computer-Assisted Class A Audits, using the data
8 gathered pursuant to paragraph (7)(c), the auditor shall provide
9 the customer with a result sheet showing:

- 10 1. An estimate of the potential energy and cost
- 11 savings of each applicable conservation measure;
- 12 2. An estimate of the total installation cost for each
- 13 applicable conservation measure, both by the
- 14 customer and by a contractor;
- 15 3. An estimate of the expected payback time for the
- 16 customer's cost of purchasing and installing each
- 17 applicable conservation measure, calculated using
- 18 the anticipated percentage change in energy costs;
- 19 4. An example calculation which clearly indicates that
- 20 total energy cost savings from the installation of
- 21 more than one conservation measure could be
- 22 different from ~~less than~~ the sum of energy cost
- 23 savings of each individually installed conservation
- 24 measure; and
- 25

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2 5. An explanation of the availability of energy
3 conservation and load management programs.

4 (8) Energy Audit Disclosures and Disclaimers.

5 (a) Each ~~Computer-Assisted Class A~~ Audit result sheet shall
6 include the following or similar statement: "The procedures used
7 to make these installation cost and energy savings estimates are
8 consistent with Commission rules and good engineering practices.
9 However, the actual installation costs you incur and energy savings
10 you realize from installing these measures may be different from
11 the estimates contained in this audit report. Although the
12 estimates are based on measurements of your house, they are also
13 based on assumptions which may not be entirely correct for your
14 homehold due to differing energy use patterns."

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

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

22 (d) The results of the energy audit shall contain the
23 following or a similar disclaimer: "The utility does not warrant
24 or guarantee the audit findings or recommendations, nor is the
25 utility liable as a result of the audit for the acts or omissions

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2 of any person who implements or attempts to implement those
3 conservation measures recommended by the auditor."

4 (9) Installation Arrangements.

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

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

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

- 13 1. Discriminate among eligible customers, suppliers, or
14 contractors; or
15 2. Arrange for installation of any measure which is not
16 included in the utility's most recent Demand Side
17 Management Plan approved by the Commission.

18 (10) Post-Audit Inspection.

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

22 (b) The utility performing the ~~audit installations~~ shall be
23 responsible for performing post-audit inspections of 10 percent of
24 each type of energy conservation measure installed as a result of
25 the utility's recommendation.

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

4 (11) Program announcement.

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

7 (b) The program announcement shall describe the BERS,
8 Computer-Assisted, and Walk-Through Class A and Class B Audits,
9 offer them to all eligible customers, and advise eligible customers
10 of any fee charged for the audits.

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

14 ~~(4) Each utility shall notify its residential, commercial,~~
15 ~~and industrial customers of the availability of energy audits at~~
16 ~~least once every six months. Notification of audit availability,~~
17 ~~at a minimum, must be made by use of notices in billing statements~~
18 ~~or other means that involves direct notification to the customer.~~
19 ~~The announcement of the Residential Conservation Audits as required~~
20 ~~in Chapter 25-17.53(3)(c) can count as one of the biannual~~
21 ~~notifications for the residential customers.~~

22 (12)(5) For every each customer requesting either a BERS,
23 Computer-Assisted, or Walk-Through Class A or Class B Audit an
24 Energy Conservation Audit or an Alternative Audit, every each
25 utility shall provide the requested audit to the customer in

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2 ~~accordance with the provisions of Chapter 25 17.51 through~~
3 ~~25 17.65, F.A.C.~~

4 (a) Advise the customer as to the scope and cost of the Class
5 A Audit;

6 ~~(b) Advise the customer as to the scope and cost of the Class~~
7 B Audit;

8 ~~(b)(e)~~ Schedule the audit within 15 days of an eligible
9 customer's request, as well as provide the name, title, and phone
10 number of the auditor; and

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

13 ~~(6) For each customer requesting either a Commercial Audit or~~
14 ~~an Industrial Audit, each utility shall provide or arrange to~~
15 ~~provide the requested audit to the customer within 120 days of the~~
16 ~~date the customer makes the request. The utility may recover the~~
17 ~~actual expenses incurred by providing audits from those commercial~~
18 ~~or industrial customers requesting such audits.~~

19 (13) Program Record Keeping.

20 (a) For every audit performed, every utility shall keep for
21 3 years from the audit performance a record that consists of the
22 customer's energy use for 12 months prior and 12 months after the
23 date of the audit. The record shall list the amount of electricity
24 or ~~and~~ natural gas purchased for every month of both 12 month
25 periods.

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1
2 (b) Every electric utility shall record the amount collected
3 pursuant to Rule 25-17.003(4)(11)(a) in subaccounts within Account
4 456. Every gas utility shall record the amount collected pursuant
5 to Rule 25-17.003(4)(11)(a) in subaccounts within Account 495.

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

9 Specific Authority: 366.05(1), 350.127(2), F.S.

10 Law Implemented: 366.82(5) & (7), F.S.

11 History: New 12/2/80, formerly 25-17.03, Amended 12/30/82,
12 11/24/86, 5/10/93, _____.

13
14 25-17.051 Definitions As Used in This Part:

15 ~~(1) The following acronyms apply:~~

16 ~~(a) "PSC" or "Commission" refers to the Florida Public~~
17 ~~Service Commission.~~

18 ~~(b) "DOE" refers to the U.S. Department of Energy.~~

19 ~~(c) "DACS" refers to the Florida Department of Agriculture~~
20 ~~and Consumer Services.~~

21 ~~(d) "RCS" refers to Residential Conservation Service.~~

22 ~~(2) "Eligible Customer" means the owner or occupant of a~~
23 ~~residence who receives a bill for service from a utility.~~
24
25

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1
2 ~~(3) "New Customer" means the owner or occupant of a residence~~
3 ~~who becomes an eligible customer after the utility servicing that~~
4 ~~residence has distributed its initial Program Announcement.~~

5 ~~(4) "Residence" means any mobile home, single family detached~~
6 ~~structure, or unit of a multi unit structure, which is occupied as~~
7 ~~a dwelling.~~

8 ~~(5) "Utility" shall have the same definition as appears in~~
9 ~~Section 366.82(1), F.S.~~

10 ~~(6) "Energy Conservation Audit" means an energy analysis of~~
11 ~~a residence in which the utility performs a comprehensive onsite~~
12 ~~evaluation of the residence in accordance with Rule 25 17.055 and~~
13 ~~if applicable, provides installation and financing arrangements and~~
14 ~~inspections, pursuant to Rules 25 17.053 through 25 17.061 of this~~
15 ~~chapter.~~

16 ~~(7) "Customer Assisted (Mail In) Audit" means an energy~~
17 ~~analysis of a residence in which the utility supplies to the~~
18 ~~eligible customer a data collection form which is completed by the~~
19 ~~customer and, upon receipt of the completed form the utility~~
20 ~~analyzes the data and submits to the customer the results of its~~
21 ~~evaluation.~~

22 ~~(8) "Alternative (Walk Through) Audit" means an energy~~
23 ~~analysis of a residence in which a qualified auditor walks through~~
24 ~~the residence making extensive observations as to the physical~~
25 ~~structure and components, performs simplified heat gain and heat~~

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1
2 ~~loss computations, and advises the customer of what energy~~
3 ~~conservation practices and measures would be feasible to implement.~~

4 ~~(9) "Conservation Practices" refers to the following energy~~
5 ~~conservation techniques:~~

6 ~~(a) Furnace efficiency maintenance and adjustments;~~

7 ~~(b) Nighttime temperature setback;~~

8 ~~(c) Reduction of thermostat setting in winter;~~

9 ~~(d) Increase of thermostat setting in summer;~~

10 ~~(e) Installation of water flow restrictors in showers and~~
11 ~~faucets;~~

12 ~~(f) Reduction of hot water temperatures;~~

13 ~~(g) Reduction of energy use when residence is unoccupied;~~

14 ~~(h) Plugging leaks in attics, basements, and fireplaces;~~

15 ~~(i) Sealing leaks in pipes and ducts;~~

16 ~~(j) Efficient use of shading;~~

17 ~~(k) Use of clotheslines instead of dryers;~~

18 ~~(l) Cooling system efficiency maintenance and adjustments.~~

19 ~~(10) "Conservation Measures" refers to the following energy~~
20 ~~conservation techniques:~~

21 ~~(a) Replacement of furnaces or boilers;~~

22 ~~(b) Replacement of central air conditioning;~~

23 ~~(c) Caulking of windows and/or doors;~~

24 ~~(d) Weatherstripping of windows and/or doors;~~

25 ~~(e) Installation of duct or pipe insulation;~~

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- 1
2 ~~(f) Use of water heater insulation;~~
3 ~~(g) Use of heat reflective, heat gain retardant, and~~
4 ~~heat absorbing window or door material;~~
5 ~~(h) Installation of clock thermostats;~~
6 ~~(i) Installation of wall insulation;~~
7 ~~(j) Installation of ceiling insulation;~~
8 ~~(k) Replacement of furnace burner (oil);~~
9 ~~(l) Replacement of resistance heat with heat pump or natural~~
10 ~~gas furnace;~~
11 ~~(m) Installation of load management devices, where load~~
12 ~~management rates are offered;~~
13 ~~(n) Installation of waste heat recovery water heating~~
14 ~~systems;~~
15 ~~(o) Insertion of plastic window panels;~~
16 ~~(p) Installation of storm or thermal windows;~~
17 ~~(q) Installation of floor insulation;~~
18 ~~(r) Installation of heat pump or natural gas water heaters;~~
19 ~~(s) Use of any of the following renewable resource measures:~~
20 ~~1. Solar or domestic water heating;~~
21 ~~2. Solar swimming pool heating (where pools are~~
22 ~~presently heating with a non-renewable resource).~~
23 ~~(11) "Cost effective" means that the present value of the~~
24 ~~savings realized over the next 10 years by implementation of the~~
25

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1
2 ~~conservation measure is greater than or equal to the present value~~
3 ~~of the cost of implementing the measure.~~

4 ~~(12) "State Plan" means the Florida Residential Conservation~~
5 ~~Service State Plan, dated June 3, 1981, prepared by the Governor's~~
6 ~~Energy Office and the Commission and submitted to the United States~~
7 ~~Department of Energy.~~

8 ~~(13) "Five Star Rating System" means a simplified summary~~
9 ~~which expresses audit results with zero to five stars denoting the~~
10 ~~energy efficiency of the residence relative to the potential to~~
11 ~~improve its energy efficiency.~~

12 Specific Authority: §366.05(1), 366.82(1)(5), F.S.

13 Law Implemented: §366.82, F.S.

14 History: New 5/4/80, Amended 12/6/80, 9/28/81; transferred from
15 25-6.111, except that subsections (9) and (10) were transferred
16 from 25-6.115, Amended 10/28/82, 2/22/84, formerly 25-17.51,
17 repealed.

18
19 25-17.052 Auditors; Minimum Qualifications.

20 ~~(1) Each utility utilizing auditors to perform any type of~~
21 ~~energy conservation audit shall certify to the Commission that each~~
22 ~~auditor meets the minimum qualifications prescribed in subsection~~
23 ~~(2). The certification shall be filed with the Commission by~~
24 ~~September 30 and March 31st of each year, and a list of the~~
25

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1
2 ~~auditors performing energy audits shall be attached to the~~
3 ~~certification.~~

4 ~~(2)(a) In order to be qualified to perform energy audits a~~
5 ~~person must:~~

- 6 1. ~~Have been trained in a program meeting the~~
7 ~~curriculum requirements of paragraph (b); and~~
8 2. ~~Have demonstrated a proficiency in the areas~~
9 ~~enumerated in paragraph (b) through a written test~~
10 ~~or practical demonstration or both.~~

11 ~~(b) The curriculum to be followed in training auditors shall~~
12 ~~include instruction in the following areas:~~

- 13 1. ~~The three types of heat transfer and the effects of~~
14 ~~temperature and humidity on heat transfer;~~
15 2. ~~General mathematics, which includes powers of ten,~~
16 ~~decimals and decimal fractions, simple equations,~~
17 ~~heat loss and heat gain computations utilizing~~
18 ~~British Thermal Units (BTUs), and cost~~
19 ~~effectiveness computations;~~
20 3. ~~Utility billing procedures, KWH meter reading, and~~
21 ~~how to determine weather sensitive consumption~~
22 ~~relations in the billing history of customers;~~
23 4. ~~Residential construction terminology and~~
24 ~~components;~~
25

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1
2 ~~5. The operation of heating and cooling systems used~~
3 ~~in residential buildings;~~

4 ~~6. The different energy conservation practices and~~
5 ~~conservation measures and the advantages,~~
6 ~~disadvantages and applications of each and~~
7 ~~installation standards published in the Federal~~
8 ~~Register under Subpart I of the RGS Final Rule (10~~
9 ~~CFR, Part 456, 44FR64602, November 7, 1979), which~~
10 ~~apply to these measures or practices; and~~

11 ~~7. The nature of solar energy and of residential~~
12 ~~applications including: Insulation; shading; heat~~
13 ~~capture and transport; and heat transfer for hot~~
14 ~~water and space heating where appropriate.~~

15 ~~8. The pertinent auditing procedures, as prescribed by~~
16 ~~Rule 25 17.055, for each applicable practice and~~
17 ~~measure, including a working ability to calculate~~
18 ~~the steady state efficiency of a furnace or boiler~~
19 ~~as required by Rule 25 17.057(3) (b).~~

20 ~~(3) Any auditor who was utilized by a utility prior to the~~
21 ~~effective date of these rules shall be deemed to be qualified if:~~

22 ~~(a) The auditor has successfully completed a training course~~
23 ~~that substantially covered the areas enumerated in paragraph~~
24 ~~(2) (b); and~~

25

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1
2 ~~(b) The auditor has demonstrated acceptable proficiency and~~
3 ~~conduct when performing an energy audit.~~

4 Specific Authority: 366.05(1), 366.82(7), F.S.

5 Law Implemented: 366.82(7), F.S.

6 history: New 10/28/82, formerly 25-17.52, repealed _____.

7
8 25-17.053 Program Announcement.

9 ~~(1) The program announcement shall:~~

10 ~~(a) List the energy conservation measures, detail their~~
11 ~~applicability, and express in dollars or percentages an estimation~~
12 ~~of energy cost savings which reasonably can be expected over a~~
13 ~~period of time for a specified type of residence;~~

14 ~~(b) List the energy conservation practices, state that they~~
15 ~~are of low or no cost and express in dollars or percentages an~~
16 ~~estimation of energy cost savings which reasonably can be expected~~
17 ~~over a specified period of time from the adoption of individual~~
18 ~~practices or combination of practices;~~

19 ~~(c) Describe the Energy Conservation Audit, and offer it to~~
20 ~~all eligible customers, advising them that they may contact the~~
21 ~~utility and receive the audit. If any fee is charged for the~~
22 ~~audit, the announcement shall state the amount charged.~~

23 ~~(d) Describe and offer the eligible customers an alternative~~
24 ~~audit and/or the customer-assisted audit;~~
25

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1
2 ~~(e) Contain the following or a comparable statement regarding~~
3 ~~the five star rating system: "Audit results will include an~~
4 ~~evaluation of the energy efficiency of your residence, according to~~
5 ~~a five star rating system. The five star rating lets you compare~~
6 ~~the energy efficiency of your home with that of other residences.~~
7 ~~Owners of the most energy efficient homes, those qualifying for a~~
8 ~~five star rating, and owners of homes above average in energy~~
9 ~~efficiency, those earning a four star rating, will receive a~~
10 ~~certificate attesting to their home's efficiency. The auditor will~~
11 ~~also provide a list of the steps you can take to increase your~~
12 ~~home's efficiency to qualify for either a four or five star~~
13 ~~rating." The statement may appear on a separate sheet of paper~~
14 ~~included with the program announcement.~~

15 ~~(f) Explain the procedure for an eligible customer to follow~~
16 ~~when requesting any audit.~~

17 ~~(g) Include the following disclosure or its equivalent;~~
18 ~~"Energy savings depend on many factors. The estimates contained in~~
19 ~~the Program Announcement are based on estimates for typical houses.~~
20 ~~Your costs and savings will be different if your house is a~~
21 ~~different size or type, if your family is a different size, or if~~
22 ~~your energy using habits are different from those we assumed. The~~
23 ~~energy conservation audit which we offer will provide more specific~~
24 ~~estimates for your home";~~
25

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1
2 ~~(h) If applicable, describe the arrangement services offered~~
3 ~~by the utility pursuant to Rule 25-17.061;~~

4 ~~(i) If applicable, state and briefly describe the fact that~~
5 ~~conciliation and redress procedures will be afforded the customer~~
6 ~~who is dissatisfied with materials, contractors, or loans secured~~
7 ~~through DACS lists of suppliers, contractors or lenders.~~

8 ~~(2) By January 15, 1981, each utility shall submit to the~~
9 ~~Commission staff the full contents of its proposed program~~
10 ~~announcement. If by February 1, 1981, the Commission staff has~~
11 ~~failed to call to the utility's attention any defects in its~~
12 ~~contents, the program announcement of that utility will be deemed~~
13 ~~satisfactory for distribution.~~

14 ~~(3) Mailing:~~

15 ~~(a) Unless otherwise authorized by Commission order upon good~~
16 ~~cause shown, by April 1, 1981 each utility shall send its program~~
17 ~~announcement to all its eligible customers;~~

18 ~~(b) After sending the program announcement pursuant to~~
19 ~~paragraphs (a) and (c) of this subsection, each utility shall send~~
20 ~~its current program announcement to each new customer within sixty~~
21 ~~days of the customer's initiation of service;~~

22 ~~(c) Every two years after the initial mailing, the utility,~~
23 ~~shall send a current program announcement to all its eligible~~
24 ~~customers;~~

25

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1
2 ~~(d) For the purpose of this rule only, a gas utility and an~~
3 ~~electric utility servicing the same geographical area may issue~~
4 ~~jointly a single Program Announcement.~~

5 Specific Authority: 366.05(1), 366.82(1), (5), F.S.

6 Law Implemented: 366.82, F.S.

7 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.113,
8 Amended 10/28/82, 2/22/84, formerly 25-17.53, repealed.

9
10 25-17.054 Energy Audit; Offer and Initial Contact.

11 ~~(1) Each utility shall offer an Energy Conservation Audit to~~
12 ~~its eligible customers.~~

13 ~~(2) Each utility shall also offer its eligible customers~~
14 ~~either the customer assisted (mail in) audit or the alternative~~
15 ~~(walk through) audit, provided however, that neither of these~~
16 ~~audits shall be in lieu of or a prerequisite to the Energy~~
17 ~~Conservation Audit offer requirement described in subsection (1) of~~
18 ~~this rule.~~

19 ~~(3) Upon the request of an eligible customer for any energy~~
20 ~~audit described in this chapter or for an evaluation under the~~
21 ~~five star rating system, the utility shall:~~

22 ~~(a) Advise the customer as to the scope and cost of the~~
23 ~~Energy Conservation Audit, and~~

24 ~~(b) Advise the customer as to the existence and scope of the~~
25 ~~alternative audit and/or the customer assisted audit, or~~

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1
2 ~~(e) Provide the rating developed under the five star rating~~
3 ~~system. If the customer was previously audited, the five star~~
4 ~~rating may be developed from existing audit records.~~

5 ~~(4) If an eligible customer requests an Energy Conservation~~
6 ~~Audit, the utility shall, within 15 days of the request, schedule~~
7 ~~the audit and advise the customer of the date of the audit, as well~~
8 ~~as the title and/or name and phone number of the auditor.~~

9 ~~(5) Unless the eligible customer requests a later date, the~~
10 ~~utility shall perform the Energy Conservation Audit within 21 days~~
11 ~~of scheduling it pursuant to subsection (4) of this rule.~~

12 Specific Authority: 366.05(1), 366.82(1), (5), F.S.

13 Law Implemented: 366.82, F.S.

14 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.114,
15 Amended 10/28/82, 2/22/84, formerly 25-17.54, repealed.

16
17 25-17.0545 Contracts for Performing Audits. ~~Any utility may~~
18 ~~contract with another entity to perform the audits required by~~
19 ~~these rules.~~

20 Specific Authority: 366.05(1), 368.82(1)(5), F.S.

21 Law Implemented: 366.82, F.S.

22 History: New 10/28/82, formerly 25-17.545, repealed.

23
24 25-17.055 Performance of the Energy Conservation Audit.

25 ~~(1) Pre performance criteria.~~

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1
2 ~~(a) Each utility shall adopt procedures to assure that~~
3 ~~estimates of energy cost savings and costs for conservation~~
4 ~~measures are based on:~~

5 ~~1. Typical and recent local prices for materials and~~
6 ~~installation; and~~

7 ~~2. Typical local climate data for the audited residence.~~

8 ~~(b) At least semi-annually, each utility shall update the~~
9 ~~data collected pursuant to paragraph (1) (a).~~

10 ~~(c) When computing payback time, the utility shall calculate~~
11 ~~and use the anticipated percentage change in energy costs.~~

12 ~~(d) The utility shall use only DOE approved methodologies and~~
13 ~~assumptions when performing the Energy Conservation Audit. The~~
14 ~~utility shall submit certification of compliance with this~~
15 ~~paragraph to the Commission.~~

16 ~~(2) The Energy Conservation Audit:~~

17 ~~(a) Upon arrival at the residence of the eligible customer,~~
18 ~~the auditor shall furnish proper identification and confirm that~~
19 ~~the customer understands the scope and cost of the Energy~~
20 ~~Conservation Audit. The auditor shall collect the fee or arrange~~
21 ~~for billing pursuant to Rule 25 17.059(1)(a).~~

22 ~~1. The auditor shall discontinue or decline to perform the~~
23 ~~audit if the customer, at any time, objects to its performance.~~
24

25

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1
2 ~~2. The auditor may discontinue or decline to perform the~~
3 ~~audit if the auditor determines that continuation of the audit~~
4 ~~presents some danger to him or her.~~

5 ~~3. In either event described in sub-paragraph 1 or 2 the~~
6 ~~auditor shall record the reason for the incomplete audit.~~

7 ~~(b) The auditor shall determine which of the conservation~~
8 ~~practices are applicable, explain those practices to the customer,~~
9 ~~emphasize their importance, and recommend that the customer apply~~
10 ~~them before or in addition to any conservation measure.~~

11 ~~(c) With regard to determining appropriate conservation~~
12 ~~measures, the auditor shall gather and record the following~~
13 ~~information where applicable:~~

14 ~~1. Exterior opaque wall area and present level of~~
15 ~~insulation.~~

16 ~~2. Exterior window and door areas, type and condition.~~

17 ~~3. Ceiling area and present level of insulation.~~

18 ~~4. Floor area and present level of insulation.~~

19 ~~5. Water heater size, age and type.~~

20 ~~6. Air conditioning system type, fuel, approximate age, size~~
21 ~~and duct condition.~~

22 ~~7. Heating system type, fuel, approximate age, and size.~~

23 ~~8. Other items as appropriate.~~

24 ~~(d) Using the data gathered pursuant to paragraph (c), and~~
25 ~~determining applicability of each conservation measure, the auditor~~

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1
2 ~~shall make calculations designed to arrive at an estimation of the~~
3 ~~potential energy and overall cost savings to the customer who~~
4 ~~installs the appropriate conservation measures.~~

5 ~~1. The auditor shall make calculations with reference to the~~
6 ~~appropriate building materials, heat transfer data, appliance~~
7 ~~efficiency data, energy and/or demand costs, and retrofit costs.~~

8 ~~2. The auditor shall evaluate for the conservation measure~~
9 ~~listed in Rule 25-17.051(10)(p) and (q) only in regions with 1,000~~
10 ~~or more heating degree days per year. The auditor shall evaluate~~
11 ~~for the conservation measure listed in Rule 25-17.051(10)(o) in~~
12 ~~areas with fewer than 1,000 heating degree days per year only upon~~
13 ~~customer request.~~

14 ~~3. The auditor may not evaluate for conservation measures~~
15 ~~listed in Rule 25-17.051(10)(a) or (k) unless the evaluation is~~
16 ~~done in compliance with Rule 25-17.057(3)(a) and (b).~~

17 ~~(c) Based upon the information from paragraphs (e) and (d)~~
18 ~~above, the auditor shall calculate the residence's rating under the~~
19 ~~five star rating system and provide the rating to the customer, in~~
20 ~~writing, along with the more detailed audit results.~~

21 Specific Authority: 366.05(1), 366.82(1), (5), F.S.

22 Law Implemented: 366.82, F.S.

23 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.115,
24 25-6.115(3)(a), transferred to 25-17.51(9), 25-6.115(3)(c),
25

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1
2 transferred to 25-17.51(10), Amended 10/28/82, 2/22/84, 5/20/92,
3 formerly 25-17.55, repealed _____.

4
5 25-17.0555 The Five-Star Rating System.

6 ~~(1) Each utility shall use the procedures outlined in this~~
7 ~~rule to develop a five star rating system to provide the results of~~
8 ~~an Energy Conservation Audit or an Alternative (walk through) Audit~~
9 ~~according to a simplified rating scale. A rating under the~~
10 ~~five star rating system may be based only on audit forms that~~
11 ~~reference conversion of electric strip house heating or water~~
12 ~~heating to natural gas heating in addition to other measures.~~
13 ~~Where an audit has already been conducted, a rating under the~~
14 ~~five star rating system may be based on a non-complying audit form~~
15 ~~if the audit is revised to include references to natural gas~~
16 ~~conversions and the customer is so informed.~~

17 ~~(a) A point system shall be developed to relate each~~
18 ~~conservation measure evaluated in the Energy Conservation Audit or~~
19 ~~Alternative (walk through) Audit to a percentage saving in annual~~
20 ~~energy consumption. The "base" residence shall be considered to~~
21 ~~have the potential for an improvement of 100% in its energy~~
22 ~~efficiency, and shall be assigned a value of 100 points. A home~~
23 ~~which would result in audit findings that all conservation measures~~
24 ~~had been taken will be considered to have a potential for an~~
25

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1
2 ~~improvement of 0% in its energy efficiency, and will be assigned a~~
3 ~~value of zero points.~~

4 ~~(b) The points determined in accordance with paragraph (a)~~
5 ~~above, shall be converted to a five star rating according to the~~
6 ~~following relationship:~~

7 ~~0-20 Points, 5 Stars; 21-40 points, 4 Stars; 41-60 points, 3~~
8 ~~Stars; 61-80 points, 2 Stars; 81-100 points, 1 Star; 101 or more~~
9 ~~points, 0 Stars.~~

10 ~~A higher number of stars denotes a more efficient home, with~~
11 ~~the five star rated home being the most efficient.~~

12 ~~(2) The auditor shall provide the customer with the~~
13 ~~residence's star rating under the five star rating system, but~~
14 ~~shall not provide the number of points used in developing the~~
15 ~~five star rating unless otherwise required under the provisions of~~
16 ~~Chapter 119, Florida Statutes (Public Record Law).~~

17 ~~(a) Within one week of the completion of the audit, a~~
18 ~~four star or five star certificate shall be provided to the~~
19 ~~customer whose residence qualifies for such a rating. No~~
20 ~~certificate shall be provided for a residence qualifying for less~~
21 ~~than four stars.~~

22 ~~(b) The auditor shall inform the customer, in writing, of~~
23 ~~those conservation measures or combination of measures needed to be~~
24 ~~taken to qualify the audited residence for an award of a four star~~
25 ~~or five star certificate. This may be accomplished by written~~

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1
2 ~~notation on the detailed audit results given to the customer upon~~
3 ~~completion of the audit.~~

4 ~~(e) The auditor shall inform the customer, in writing, of the~~
5 ~~procedure by which the customer may certify to the utility that~~
6 ~~installations of conservation measures have been completed to~~
7 ~~upgrade the residence to qualify for a four star or five star~~
8 ~~certificate.~~

9 ~~(d) Each utility shall initiate its five star program no~~
10 ~~later than June 1, 1984 and shall file the initial data required by~~
11 ~~Rules 25-17.064(2)(k) and 25-17.065(1)(e), F.A.C., concurrent with~~
12 ~~the June 1, 1985 annual report required under Rule 25-17.064(2).~~

13 Specific Authority: §366.05(1), 366.82(1), (5), F.S.

14 Law Implemented: §366.82, F.S.

15 History: New 2/22/84, formerly 25-17.555, repealed _____.

16
17 25-17.056 Program Inspections.

18 ~~This rule only applies to installations of conservation~~
19 ~~measures which were arranged by a utility pursuant to Rule~~
20 ~~25-17.061, F.A.C.~~

21 ~~(1) To ensure quality control, and upon notification by the~~
22 ~~eligible customer that an audit recommended installation has~~
23 ~~occurred, the utility shall perform random inspections of~~
24 ~~conservation measures installed as a result of the utility's~~
25 ~~recommendation.~~

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1
2 ~~(2) Prior to performing any inspection under this rule, the~~
3 ~~utility shall submit to Commission staff.~~

4 ~~(a) Assurance that all persons performing post-installation~~
5 ~~inspections have received training and are qualified to determine~~
6 ~~whether the installation is in compliance with the standards~~
7 ~~prescribed in subsection (6); and~~

8 ~~(b) The procedure it intends to use to ensure randomness.~~
9 ~~Procedures not rejected by the Commission staff within two weeks of~~
10 ~~submission shall be deemed approved.~~

11 ~~(3) The utility shall inspect four of each contractor's first~~
12 ~~ten installations of ceiling insulation, wall insulation, floor~~
13 ~~insulation, and domestic solar water heating systems. The utility~~
14 ~~shall inspect at least one installation of each contractor of~~
15 ~~conservation measures.~~

16 ~~(4) The utility shall inspect ten percent of all energy~~
17 ~~conservation measures that are installed as a result of the~~
18 ~~utility's recommendation. Inspections performed pursuant to~~
19 ~~subsection (3) shall be included to meet the requirement imposed by~~
20 ~~this subsection.~~

21 ~~(5) All post-installation inspections will be conducted by a~~
22 ~~qualified inspector with no financial interest in the contractor~~
23 ~~who installed the measure unless the contractor is the utility.~~
24

25 ~~(6) The inspector will investigate to determine if the~~
~~installation was accomplished in conformance with the applicable~~

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~~struck-through~~ type are deletions from existing law.

1
2 ~~installation standards published in the Federal Register under~~
3 ~~Subpart I of the RCS Final Rule (10 CFR Part 456, 44FR64602,~~
4 ~~November 1, 1979), or, in the case of domestic solar hot water and~~
5 ~~domestic solar pool heating systems, in accordance with the Florida~~
6 ~~Standard Practices for Design and Installation of Solar Domestic~~
7 ~~Hot Water and Pool Heating Systems, promulgated by the Florida~~
8 ~~Solar Energy Center effective March 1, 1981.~~

9 ~~(7) The utility shall provide a reinspection if a violation~~
10 ~~of materials or installation standards is found.~~

11 ~~(8) The utility shall report the results of the inspection to~~
12 ~~the eligible customer, the installer and DACS within two weeks of~~
13 ~~the inspection. The report shall contain any customer complaint~~
14 ~~concerning the installation.~~

15 Specific Authority: §366.05(1), 366.82(1), (5), F.S.

16 Law Implemented: 366.82, F.S.

17 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.116,
18 Amended 10/28/82, formerly 25-17.56, repealed.

19
20 25-17.057 Energy Conservation Audit Results.

21 ~~(1) Unless an alternative method is authorized by Commission~~
22 ~~order upon good cause shown, the auditor shall make recommendations~~
23 ~~and provide the audit results and any recommendations to the~~
24 ~~customer, on site, in writing, and in person, upon completion of~~
25

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1
2 ~~the audit, unless the customer is not present at the time of the~~
3 ~~audit or otherwise declines in person presentations.~~

4 ~~(2) The auditor shall provide the customer with:~~

5 ~~(a) The estimated energy and overall cost savings that would~~
6 ~~likely result from each applicable energy conservation measure, in~~
7 ~~accordance with or except as provided in subsection (3) of this~~
8 ~~rule;~~

9 ~~(b) An estimation of the total installation cost for each~~
10 ~~conservation measure, as provided in subsection (4) of this rule;~~

11 ~~(c) The annual ordinary maintenance cost, if any, for each~~
12 ~~conservation measure;~~

13 ~~(d) The first year's energy savings in dollars or a range of~~
14 ~~dollars for each conservation measure;~~

15 ~~(e) The expected time of payback as provided in subsection~~
16 ~~(5) of this rule;~~

17 ~~(f) A clear indication via sample calculations or disclosure,~~
18 ~~that the total energy cost savings from the installation of more~~
19 ~~than one energy conservation measure could be less than the sum of~~
20 ~~energy cost savings of each conservation measure installed~~
21 ~~individually;~~

22 ~~(g) An explanation of the availability, if any, of innovative~~
23 ~~energy conservation rate structures or load management techniques~~
24 ~~offered by the utility;~~
25

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DATE: May 30, 1996

1
2 ~~(h) A sample calculation of the effect of federal and/or~~
3 ~~state tax benefits on the cost to the customer of installing at~~
4 ~~least one applicable energy conservation measure and, where~~
5 ~~possible, one or more renewable resource measure.~~

6 ~~(3)(a) Except as provided in this paragraph, the auditor may~~
7 ~~not provide cost and savings estimations for furnace efficiency~~
8 ~~modifications described in Rule 25-17.051(10)(a) and (k), unless~~
9 ~~the furnace uses primarily a source of energy supplied by the~~
10 ~~utility performing the audit. Absent such use, the auditor shall~~
11 ~~provide cost and savings estimations for furnace efficiency~~
12 ~~modifications if the customer requests them and if the customer~~
13 ~~agrees to sign the following statement: "If your home is heated by~~
14 ~~a source of fuel other than (state the type of fuel supplied by the~~
15 ~~utility), only the supplier of your fuel may audit your furnace~~
16 ~~unless you specifically request us to do so. Federal law requires~~
17 ~~that such a request be in writing. If you want us to audit your~~
18 ~~furnace, although we do not supply the fuel it uses, please sign~~
19 ~~below."~~

20 ~~(b) With regard to the conservation measure listed in Rule~~
21 ~~25-17.051(10)(a) and (k), the auditor shall base any cost and~~
22 ~~savings estimations on an evaluation of the seasonal efficiency of~~
23 ~~the boiler or furnace. Seasonal efficiency shall be based on~~
24 ~~estimated peak (tuned up) steady state efficiency corrected for~~
25 ~~cycling losses. Steady state efficiency shall be derived from~~

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1
2 ~~manufacturer's design data and observation of the furnace~~
3 ~~components or, alternatively, by a flue gas analysis of measured~~
4 ~~flue gas temperature and carbon dioxide content, or by procedures~~
5 ~~set forth by DOE in "Final Energy Conservation Test Procedures," 43~~
6 ~~Federal Register, 20128, 20147.~~

7 ~~(4)(a) Except as provided in paragraph (b), the auditor shall~~
8 ~~provide an estimation of the total installation cost for each~~
9 ~~conservation measure which reflects the customer's installing it~~
10 ~~himself or herself and which reflects the cost to the customer of~~
11 ~~having the measure installed by a contractor.~~

12 ~~(b) With regard to the replacement of central air~~
13 ~~conditioners and wall insulation, the auditor may not provide an~~
14 ~~estimation of its installation cost which reflects the customer's~~
15 ~~self installation of the measure.~~

16 ~~(5) The auditor shall provide to the customer an estimation of~~
17 ~~the expected time for payback of the customer's cost of purchasing~~
18 ~~and installing any conservation measure.~~

19 ~~(a) Except as provided by Commission order, all payback~~
20 ~~computations shall be based on the anticipated percentage change in~~
21 ~~energy bills as calculated by the utility in compliance with Rule~~
22 ~~25 17.055(1)(c). The utility shall compute the applicable rate for~~
23 ~~each succeeding year by January 31st of that year.~~

24
25 ~~(b) For ceiling insulation, the auditor shall calculate the~~
~~payback period for at least one increased level of insulation~~

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1
2 ~~either to or above R.19 or, for residences with resistance heat~~
3 ~~systems in regions having 1,000 or more heating degree days per~~
4 ~~year, to or above R 22. Such calculations shall be in increments~~
5 ~~of R 11. The auditor may calculate payback periods for other~~
6 ~~levels of insulation if the customer so requests or if the utility~~
7 ~~believes higher levels would be cost effective. Auditors shall~~
8 ~~express recommendations in terms of R values and not in inches.~~

9 Specific Authority: 366.05(1), 366.82, F.S.

10 Law Implemented: 366.82, F.S.

11 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.117,
12 Amended 10/28/82, 5/20/92, formerly 25-17.57, repealed _____.

13
14 25-17.059 Energy Conservation Audit Charges, Disclosures, and
15 Disclaimers.

16 ~~(1) Charges.~~

17 ~~(a) The utility may charge the eligible customer for the~~
18 ~~Energy Conservation Audit. If any charge is made, it shall not~~
19 ~~exceed \$15.00 and the amount to be charged shall first be filed~~
20 ~~with the Commission as part of the utility's tariff. The utility~~
21 ~~shall allow the customer the option of: paying by personal check,~~
22 ~~money order, or cash at the time of the audit, or being charged the~~
23 ~~audit cost on his or her utility bill.~~

24 ~~(b) The utility may not charge for performance of the~~
25 ~~customer assisted audit.~~

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~~struck through~~ type are deletions from existing law.

1
2 ~~(c) The utility may charge for an alternative (walk through)~~
3 ~~audit. However, any charge imposed by a utility for performance of~~
4 ~~a walk through audit shall first be filed with the Commission as a~~
5 ~~part of the utility's tariff. The charge shall not exceed \$5 per~~
6 ~~audit. The utility shall submit their procedure for conducting a~~
7 ~~walk through audit to the Commission for approval prior to~~
8 ~~conducting these audits.~~

9 ~~(2) Disclosures.~~

10 ~~(a) Each energy conservation audit result sheet shall include~~
11 ~~a statement to the following effect: "The procedures used to make~~
12 ~~these estimates are consistent with U.S. Department of Energy~~
13 ~~criteria for residential energy audits and have been or will be~~
14 ~~evaluated by the department for accuracy. However, the actual~~
15 ~~installation costs you incur and energy savings you realize from~~
16 ~~installing these measures may be different from the estimates~~
17 ~~contained in this audit report. Although the estimates are based~~
18 ~~on measurements of your house, they are also based on assumptions~~
19 ~~which may not be totally correct for your household due to energy~~
20 ~~use patterns."~~

21 ~~(b) The auditor shall provide the eligible customer with a~~
22 ~~written statement of any interest which the auditor or the utility~~
23 ~~has directly or indirectly in the sale or installation of any~~
24 ~~energy conservation measure. However, if the utility supplies,~~
25 ~~installs or finances the sale of any energy conservation measure,~~

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1
2 ~~this subsection shall not operate to prohibit the auditor from~~
3 ~~advising the eligible customer of that fact.~~

4 ~~(e) Upon request of the customer, the auditor shall disclose~~
5 ~~the results of any prior energy conservation audit of the~~
6 ~~customer's residence for which records are still available.~~

7 ~~(3) The results of the energy conservation audit shall~~
8 ~~contain the following or a similar disclaimer: "The utility does~~
9 ~~not warrant or guarantee the audit findings or recommendations nor~~
10 ~~is the utility liable as a result of the audit for the acts or~~
11 ~~omissions of any person who implements or attempts to implement~~
12 ~~those conservation measures found and recommended as cost effective~~
13 ~~by the auditor."~~

14 Specific Authority: 366.05(1), 366.82(1), F.S.

15 Law Implemented: 366.82, F.S.

16 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.119,
17 Amended 10/28/82, formerly 25-17.59, repealed.

18
19 25-17.061 Financing and Installation Arrangements.

20 ~~(1) General Provisions.~~

21 ~~(a) All utilities, except those not subject to the state plan~~
22 ~~adopted pursuant to section 366.82(6), F.S., shall offer~~
23 ~~installation and financing arrangement services to their eligible~~
24 ~~customers.~~

25
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1
2 ~~(b) Utilities subject to this rule shall note the~~
3 ~~availability of these services in the Program Announcement and on~~
4 ~~the written results of the energy conservation audit.~~

5 ~~(c) Upon completion of the Energy Conservation Audit, or~~
6 ~~within 10 days of any request for the list by an eligible customer~~
7 ~~with a list of lending institutions and a list of suppliers and~~
8 ~~installers operating within the vicinity of the customer and~~
9 ~~appearing on the lists of lenders, suppliers, and contractors~~
10 ~~promulgated by DACS for that service area.~~

11 ~~(d) When arranging financing and/or installation pursuant to~~
12 ~~this rule, the utility may not:~~

13 ~~1. Discriminate among eligible customers, suppliers,~~
14 ~~contractors, conservation measures, or lending~~
15 ~~institutions;~~

16 ~~2. Arrange financing for and/or installation of any measure~~
17 ~~which is not a conservation measure;~~

18 ~~3. Arrange financing for and/or installation with a~~
19 ~~contractor who does not appear on the lists promulgated~~
20 ~~by DACS.~~

21 ~~(e) For the purpose of this subsection, the term "in the~~
22 ~~vicinity" refers to the county in which the customer resides~~
23 ~~and/or, upon customer request, an adjacent county.~~

24 ~~(2) Financing Arrangement.~~
25

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1
2 ~~(a) Upon request, the utility shall offer financing~~
3 ~~arrangement services to any eligible customer who indicates a~~
4 ~~desire to install an energy conservation measure or several~~
5 ~~conservation measures.~~

6 ~~(b) The utility shall attempt to answer any questions the~~
7 ~~customer may have regarding the nature of the financing arrangement~~
8 ~~service.~~

9 ~~(c) If requested to do so by the eligible customer, the~~
10 ~~auditor or utility shall assist in the completion and/or submission~~
11 ~~of the customer's application to no fewer than three lending~~
12 ~~institutions described in paragraph (c) of subsection (1) of this~~
13 ~~rule.~~

14 ~~(3) Installation Arrangements.~~

15 ~~(a) The auditor shall offer this service to the customer upon~~
16 ~~request or at the time of an audit.~~

17 ~~(b) If requested to do so by the eligible customer, the~~
18 ~~utility shall contact three installers within fifteen working days~~
19 ~~of the request, describe the job, and request that the installers~~
20 ~~contact the customer with a bid.~~

21 ~~(c) If none of the installers offer the customer a bid and if~~
22 ~~the customer requests additional assistance, the utility shall~~
23 ~~contact two different installers in the same manner and for the~~
24 ~~same purpose as detailed in paragraph (b) of this subsection. This~~
25

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1
2 ~~paragraph shall not be construed to require the utility to provide~~
3 ~~additional assistance more than a single time.~~

4 ~~(d) Nothing in this subsection shall operate to preclude the~~
5 ~~Commission from approving, by order, alternative methods for the~~
6 ~~utility's compliance with this installation arrangement~~
7 ~~requirement.~~

8 Specific Authority: 366.05(1), 366.82(5), F.S.

9 Law Implemented: 366.82, F.S.

10 History: New 12/17/80, Amended 10/28/82, formerly 25-17.61,
11 repealed.

12
13 25-17.064 Program Work Plans and Reports.

14 ~~(1) By January 15, 1981, each utility shall submit its work~~
15 ~~plan to the Commission staff. The work plan shall explain in~~
16 ~~detail how the utility intends to implement the RGS Program. The~~
17 ~~work plan shall describe:~~

18 ~~(a) Auditor training;~~

19 ~~(b) Management procedures developed for conducting the~~
20 ~~audits, including but not limited to scheduling and backup~~
21 ~~procedures for peak periods;~~

22 ~~(c) Arrangement services for installation and financing, if~~
23 ~~applicable;~~

24 ~~(d) Audit algorithms (sample calculations) or evidence that~~
25 ~~the utility's audit routine has been approved by DOE;~~

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- 1
- 2 ~~(e) Audit data gathering format;~~
- 3 ~~(f) Audit results presentation format;~~
- 4 ~~(g) Labor and material cost derivation tables to be used in~~
5 ~~audit calculations;~~
- 6 ~~(h) Inspections reporting procedures and forms.~~
- 7 ~~(i) Any alternative audit, its cost to the utility and the~~
8 ~~utility's proposed charge to the customer for that audit.~~
- 9 ~~(2) Beginning June 1, 1981 and annually thereafter through~~
10 ~~June 1, 1986, each utility shall submit to the Commission staff a~~
11 ~~report of its activities pursuant to the RCS Program. The report~~
12 ~~shall be submitted on a form to be supplied by the Commission. The~~
13 ~~report shall include: a brief summary of program results up to~~
14 ~~April 1st of the year in which it is submitted and should, if~~
15 ~~applicable, identify such items as customer receptivity to the~~
16 ~~program and customer willingness to adopt energy conservation~~
17 ~~practices and measures. The report shall also detail the:~~
- 18 ~~(a) Number of Program Announcements sent during the reporting~~
19 ~~period;~~
- 20 ~~(b) Number of energy conservation audits offered during the~~
21 ~~reporting period;~~
- 22 ~~(c) Number of eligible customers requesting an Energy~~
23 ~~Conservation Audit;~~
- 24 ~~(d) Number of Energy Conservation Audits scheduled during the~~
25 ~~reporting period;~~

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1
2 ~~(e) Number of Energy Conservation Audits performed during the~~
3 ~~reporting period;~~

4 ~~(f) Number of alternative audits requested by and/or~~
5 ~~performed for eligible customers;~~

6 ~~(g) Number of customer assisted audits requested by and/or~~
7 ~~performed for eligible customers;~~

8 ~~(h) Approximate number of eligible customers for whom the~~
9 ~~utility is the primary supplier of heating fuel;~~

10 ~~(i) Number of installations arranged by the utility;~~

11 ~~(j) Number and function of persons assigned by the utility to~~
12 ~~participate in the program;~~

13 ~~(k) Number of four star and five star award certificates~~
14 ~~issued during the reporting period;~~

15 ~~(l) Cost incurred by the utility in providing each service~~
16 ~~(i.e., auditing, publicity, financing) including separately the~~
17 ~~costs paid by the individual customers for services received and~~
18 ~~costs paid by all ratepayers.~~

19 ~~(m) Number and nature of complaints made to the utility by~~
20 ~~eligible customers against suppliers, installers, and/or lenders;~~

21 ~~(n) Number and results of past installation inspections.~~

22 Specific Authority: 366.05(1), 366.82(5), F.S.

23 Law Implemented: 366.82, F.S.

24 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.124,
25 Amended 10/28/82, 2/22/84, formerly 25-17.64, repealed.

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1
2 25-17.065 Program Recordkeeping.

3 ~~(1) For at least five years from the date of a request each~~
4 ~~utility shall maintain:~~

5 ~~(a) The name and address of each customer who receives any~~
6 ~~audit;~~

7 ~~(b) A record of the data collected during the audit and a~~
8 ~~record of the estimates of cost and savings presented to the~~
9 ~~customer;~~

10 ~~(c) A record of all requests by eligible customers for~~
11 ~~furnace audits;~~

12 ~~(d) The name and address of each eligible customer from whom~~
13 ~~the utility arranges installation and/or financing of a single or~~
14 ~~several conservation measures.~~

15 ~~(e) A record of the rating awarded under the five star rating~~
16 ~~system.~~

17 ~~(2) Where an eligible customer primarily purchases his or her~~
18 ~~energy needs from the utility performing the energy conservation~~
19 ~~audit, the utility shall keep a record of the amount of electricity~~
20 ~~and/or natural gas purchased each month by the customer. The~~
21 ~~utility shall keep that record for the lesser of two years or the~~
22 ~~duration of the customer's continued ownership or occupancy of the~~
23 ~~residence which received an audit. The record shall consist of~~
24 ~~those energy amounts used by the customer for twelve months prior~~
25

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1
2 ~~and for twelve months after the date of the audit where the~~
3 ~~customer maintains the residence for that duration.~~

4 ~~(3) Each electric utility shall retain monies collected~~
5 ~~pursuant to Rule 25-17.059(1)(a) in subaccounts within Account 456.~~

6 ~~Each gas utility shall retain monies collected pursuant to Rule~~
7 ~~25-17.059(1)(a) in subaccounts within Account 495.~~

8 Specific Authority: 366.05(1), 366.82(5), F.S.

9 Law Implemented: 366.82, F.S.

10 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.124,

11 Amended 10/28/82, 2/22/84, formerly 25-17.65, repealed.

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MACFARLANE AUSLEY FERGUSON & McMULLEN

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March 14, 1996

IN REPLY REFER TO
Tallahassee

BY HAND DELIVERY

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

Re: Energy Audits - Rule Amendments
Docket No. 960023-EG

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen (15) copies of Tampa Electric's Comments in the above-referenced docket.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

ACK Thank you for your assistance in this matter.

AFA _____

APP 1

CAF _____

CMU _____

CTR _____

EAG Haff JDB/bjm

LEG _____
5 Enclosures

LIN _____
cc: Michael Haff (w/enclosure)

ROM 1


SPC 1

WAS _____

OTH _____

Sincerely,


James D. Beasley



DOCUMENT NUMBER-DATE

03123 MAR 14 88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to Rule)
25-17.003, F.A.C., Energy Audits,)
and Proposed Repeal of Rules)
25-17.051, F.A.C., Definitions as)
Used in this Part; 25-17.052,)
F.A.C., Auditors, Minimum)
Qualifications; 25-17.053, F.A.C.,)
Program Announcement; 25-17.054,)
F.A.C., Energy Audit; Offer and)
Initial Contact; 25-17.0545, F.A.C.)
Contracts for Performing Audits;)
25-17.055, F.A.C., Performance of)
the Energy Conservation Audit;)
25-17.055, F.A.C., The Five-Star)
Rating System; 25-17.056, F.A.C.,)
Program Inspections; 25-17.057,)
F.A.C., Energy Conservation Audit)
Results; 25-17.059, F.A.C., Energy)
Conservation Audit Charges,)
Disclosures, and Disclaimers;)
25-17.061, F.A.C., Financing and)
Installation Arrangements;)
25-17.064, F.A.C., Program Work)
Plans and Reports; and 25-17.065,)
F.A.C., Program Recordkeeping)

DOCKET NO. 960023-EG

FILED: March 14, 1996

COMMENTS OF TAMPA ELECTRIC COMPANY

Pursuant to the Notice of Rulemaking issued in the above docket on February 15, 1996 in Order No. PSC-96-0219-NOR-EG, Tampa Electric submits the following written comments on the rule language amendments contained in such order:

1. On page 8 of the order the definition of "commercial audit" appears in the midst of a number of provisions pertaining solely to residential audits. For clarity, Tampa Electric would recommend that the definition of "commercial audit" be moved from page 8, lines 3-6 to page 10 beginning after the existing line 2, with all affected subsections of this section being relettered to

reflect the relocation of this definition. With the above change, all subsections of the rule pertaining to residential audits would appear together in the rule followed by references to commercial audits and industrial audits.

2. On page 10 of Order No. PSC-96-0219-NOR-EG, line 7 refers to mail in audits, saying that they mean "an energy analysis of a residence . . ." Tampa Electric would propose adding the words "or building" after the word "residence" on page 10, line 7 of the order. This would acknowledge the fact that the company performs mail in audits for both residential and commercial customers. The rule language presently contained in the order suggests that only residential mail in audits are performed.

3. On page 18 of Order No. PSC-96-0219-NOR-EG, at section (13) the draft rule would require every utility to keep certain information regarding a customer's energy usage for twelve months prior and twelve months after the date of an audit. The last sentence of this section states that the record shall list the amount of electricity and natural gas purchased for each month of both twelve month periods. Tampa Electric proposes changing the word "and" to "or" in that sentence to be consistent with the notion that electric utilities should retain information regarding the electricity they sell and natural gas utilities should be responsible for retaining records on the gas they sell to the individual natural gas customer. Electric utilities do not have access to the monthly record of natural gas sales to individual customers nor do the natural gas utilities have access to data

regarding the monthly amount of electricity the electric utilities sell to their individual customers.

4. Tampa Electric submits that the foregoing minor adjustments to draft rule language contained in the February 15, 1996 Notice of Rulemaking will improve the nature and effect of the proposed rule.

DATED this 14th day of March, 1996.

Respectfully submitted,



W E L. WILLIS
JAMES D. BEASLEY
Macfarlane Ausley Ferguson
& McMullen
Post Office Box 391
Tallahassee, FL 32302
904/224-9115

ATTORNEYS FOR TAMPA ELECTRIC
COMPANY



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STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT
JAMES F. MURLEY

LAWTON CHILES
Governor

████████████████████
Secretary

March 15, 1996

Ms. Susan F. Clark, Chairman
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0862

Dear Chairman Clark:

We fully support the Commission's efforts to update your rules concerning energy audits by public utilities in Florida. The proposed amendments contained in the Notice of Rulemaking under Docket No. 960023-EG, and the repeal of unnecessary provisions, provide an opportunity for all of us engaged in encouraging energy efficiency in Florida to improve our economy and regulatory climate.

We would like to suggest that the Commission follow the recommendations of the Building Code Task Force, created pursuant to the current Memorandum of Understanding between the Commission and the Department of Community Affairs, as accepted by the Commission at its February 20th Internal Affairs meeting. Specifically, the recommendation made on page 11 as follows:

- CK
- FA
- PP 1
- AF
- MU
- TR
- EG 1
- CG
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"Finally, we would recommend that utilities adopt the state BERS rating system as the standard to replace their individual Five-Star Rating programs currently in place. It does not make sense to have different rating scales, especially given the consistency of the BERS program with the building code standards. Since audits will continue to be an ongoing service function of utilities, providing the customer with a standardized rating of their home seems to be an integral part of such a service."

In order to adopt the sense of this recommendation, we would suggest the Commission adopt the attached changes to the proposed rule. To ease evaluation, we have proposed our changes by striking out and underlining language to the rule as proposed rather than as currently in existence. We are committed to improving the computer software which supports both the commercial and residential Building Energy-Efficiency Rating System as specified in Florida Statutes (Section 553.990 et seq.).

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
27th Overseas Highway, Suite 212
Marathon, Florida 33050-2227

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
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Don

Letter to Chairman Clark, March 15, 1996, page 2


We have further attached a letter from our contractor, the Florida Solar Energy Center, on planned improvements to the software which we will make broadly available and which will be easily compatible to meet the standards set by the Commission for Class A audits. We also plan to be in compliance with any national standards or guidelines issued and anticipate a very effective national market and financing strategy to implement energy efficiency programs at both the residential and commercial levels. Florida is recognized as a leader in these efforts. We believe both the public utilities and the public, generally, will be well served by the adoption of these proposed changes.

If you have any further questions or desire greater information about our plans, please do not hesitate to request.

Sincerely,



Jim Tait, Director
Florida Energy Office



Rick Dixon, Administrator
Florida Building Codes & Standards

Attachments

Proposed changes to proposed revisions to Rule 25-17.003 suggested by Jim Tait, Florida Energy Director and Rick Dixon, Administrator of Florida Building Code and Standards; March 15, 1996; page 1 of 2.

- Section 25-17.003(1) at page 1, line 11

(a) "Class A Residential Audit" means a computer assisted energy analysis of a residence, conducted in accordance with Florida's Building Energy-Efficiency Rating System Procedures for Residential Buildings, and applicable state and federal statutes and administrative rules, in which a qualified auditor performs a comprehensive on-site evaluation of the residence in accordance with subsection (6) and paragraphs (7)(c) and (7)(d), and, if applicable, provides installation arrangements and inspections pursuant to this rule.

(b) "Class B Residential Audit" means a computer assisted energy analysis of a residence in which the input data comes from a mail-in form containing information provided by the customer, or a walk through energy analysis of a residence in which a qualified auditor walks through the residence making extensive observations as to the physical structure and components, performs simplified heat gain and heat loss computations, and advises the customer of feasible energy conservation practices and measures.

(c) "Class A Commercial Audit" means an computer assisted energy analysis of a commercial building and its associated energy systems conducted in accordance with Florida Building Energy-Efficiency Rating System Procedures for Public and Commercial Buildings and applicable state and federal statutes and administrative rules to determine its energy efficiency and to identify for the customer those measures that may improve its energy efficiency.

(d) "Class B Commercial Audit" means a computer assisted energy analysis of a commercial building and its associated energy systems in which the input data comes from a mail-in form containing information provided by the customer, or a walk through energy analysis of a commercial building and its associated energy systems in which a qualified auditor walks through the commercial building making extensive observations as to the physical structure, components and energy systems of the building; performs simplified heat gain and heat loss computations; and advises the customer of feasible energy conservation practices and measures.

And re-letter subsequent paragraphs and modify future references to Class A and Class B Audits as appropriate.

Proposed changes to proposed revisions to Rule 25-17.003 suggested by Jim Tait, Florida Energy Director and Rick Dixon, Administrator of Florida Building Code and Standards; March 15, 1996; page 2.

- Section 25-17.003(4) at page 4, line 10

(4) Energy Audit Charges.

(a) Every utility may charge an eligible customer for a Class A Residential Audit. This charge shall not exceed the average cost of a physical site audit plus \$15, and shall first be filed with the Commission as part of the utility's tariff.

(b) Every utility may charge an eligible customer for a Class B Residential Audit. This charge, which shall not exceed \$5, shall first be filed with the Commission as part of the utility's tariff.

(c) Every utility may charge an eligible customer for a Class A or Class B Commercial or an Industrial Audit. The amount of this charge shall be first filed with the Commission as part of the utility's tariff.

- Subparagraph 25-17.003(7)(d)4. at page 8, line 1

(7) Performance of the audit.

(d) For Class A Audits, using the data gathered pursuant to paragraph (7)(c), the auditor shall provide the customer with a result sheet showing:

4. An example optimization calculation based on the measures listed in subparagraph (d) 3, which clearly indicates that the total energy cost savings from the installation of more than one measure could be less than the sum of energy cost savings of each individually installed conservation measure; and



March 13, 1996

Mr. Jim Tait
Director
Florida Energy Office
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

Dear Jim,

This letter is in response to your request for information on the energy optimization capabilities we are developing for the new Residential Florida Ratings for Energy Efficiency (ResFREE) software.

The concept is reasonably straight forward. Since the total efficiency improvements that can be expected from a group of individual measures are not the simple sum of the individual potentials, it is necessary to use successive optimization procedures to determine true savings, on both a measure-by-measure basis and on an overall basis. In words, the successive optimization process can be explained by the following steps:

- Step 1: Rank order all of the potential individual energy efficiency measures that can be applied to the subject residence (the original base home). Perform this ranking based on user selected economic parameters (e.g. simple payback, benefit/cost ratio, etc.), and cut-off criterion (e.g. ≤ 5 yr. payback, benefit/cost ratio ≥ 1.0 , etc.).
- Step 2: Evaluate the top-ranked efficiency measure to ensure that it meets the specified cut-off criteria for the specified economic parameter. If it does, then go on to Step 3. If it does not, then the optimization analysis and measures list is complete.
- Step 3: Modify the base home by adding the top-ranked efficiency measure so as to create the new base home for use in the successive analyses.
- Step 4: Re-rank the remaining efficiency measures using the new base home created in Step 3, then go back to Step 2.

Our plans are to incorporate an automated successive optimization process into the new software we are developing for rating systems in Florida. The software will be quite "smart" in the sense that once the subject building has been described, the software will know exactly "where" the building is with respect to a broad range of improvement opportunities. The database that co-resides with the energy evaluation engine will also contain default values for economic

Mr. Jim Tait
March 13, 1996
Page 2


parameters like incremental costs for improvements, discount rate, lifetime, etc. These defaults, however, can be reset or overridden by the user if they desire.

At the command of the user, the software will initiate the successive optimization process and produce a report based on the optimization parameters and cut-off values selected by the user. These reports can in turn be used to provide the economic cost benefit and cash flow data that is required for the new innovative mortgage and financing packages that are now being offered on a national basis through HUD, and on a pilot basis in selected states through Fannie Mae and Freddy Mac.

The energy rating and financing features provided by the new software are expected to provide for a significant positive influence in the energy efficiency marketplace in the sense that they can materially enhance the home owner's cash flow position through an enhanced ability to control home operating costs.

Jim, I hope this information is helpful. If we can be of any further assistance please don't hesitate to call me.

Since



Philip Faurey
Deputy Director

PF/mf

cc: Rick Dixon
Larry Roberson
Joanne Weber

9/2



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March 15, 1996

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

- ACK _____
- AFA _____
- APP Hester
- CAF _____
- CMU _____
- CTR _____
- EAG D
- LEG _____
- LIN 5
- OPC _____
- RCH Hewitt
- SEC 1
- WAS _____
- OTH _____

A Public Interest Law Firm

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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.