

**ADMINISTRATIVE DRAFT REGULATIONS**  
**Implementing AB 1103 (2007, Saldaña)**  
**Revised March 2010**

**California Code of Regulations**

**Title 20. Public Utilities and Energy**

**Chapter 4. Energy Conservation**

**Article 9. Nonresidential Building Energy Performance Reports and Disclosures**

**Section 1680. Purpose**

This article implements procedures, pursuant to Public Resources Code section 25402.10, for reporting energy use data and disclosing energy use data and energy efficiency ratings for nonresidential buildings in California.

Note: Authority cited: Sections 25213, 25218(e), and 25402.10, Public Resources Code. Reference: Section 25402.10, Public Resources Code.

**Section 1681. Scope**

This article applies to all nonresidential buildings in California.

Note: Authority cited: Sections 25213, 25218(e), and 25402.10, Public Resources Code. Reference: Section 25402.10, Public Resources Code.

**Section 1682. Definitions**

The following definitions apply to this article:

- (a) "Building Owner" means a person possessing title to the building, or an agent authorized to act on behalf of the entity possessing title.
- (b) "Building Tenant" means a person leasing space in a nonresidential building.
- (c) "CEC Commerical Building Energy Performance Disclosure Report" means a completed Commission Form [No. XXX], detailing a nonresidential building's energy use and stating the building's California Commercial Building Energy Performance Rating, and, if available, its ENERGY STAR® Portfolio Manager Energy Performance Rating.
- (d) "California Commercial Building Energy Performance Rating" means the Commission's "A" to "G" rating evaluating energy efficiency for California nonresidential buildings.
- (e) "CEC" means the California Energy Commission.
- (f) "Commission" means the California Energy Commission.
- (g) "Disclosure Data and Ratings" means data and energy efficiency ratings supplied to a prospective buyer, lender, or lessee as displayed in CEC Form [XXX], including but not limited to the building's ENERGY STAR® Portfolio

Manager Energy Performance Rating, if available; the building's California Commercial Building Energy Performance Rating; a building's energy use index, normalized for weather; the building's street address; the building's ENERGY STAR® Portfolio Manager type; the building's gross floor space; the building's electricity and natural gas usage; and the building's renewable energy production.

- (h) "Energy" means electricity, natural gas, heating oil, or other product sold by a utility to a customer of a nonresidential building, or renewable onsite electricity generation, for purposes of providing heat, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.
- (i) "ENERGY STAR®" means a the U.S. EPA ENERGY STAR® registered certification mark, awarded to buildings by receiving a Portfolio Manager Energy Performance Rating of 75 or higher.
- (j) "ENERGY STAR® Portfolio Manager Benchmarking Data" means energy use data, owner contact information, and building information supplied to an ENERGY STAR® Portfolio Manager account, including but not limited to floor space, building type, operating hours, and powered equipment such as computers and refrigeration units.
- (k) "ENERGY STAR® Portfolio Manager Energy Performance Rating" means the U.S. Environmental Protection Agency's 1 to 100 building energy efficiency measurement normalized for a building's characteristics, operations, and weather, according to methods established by U.S. EPA's Portfolio Manager.
- (l) "Energy Use Data" means kilowatt hours, therms, or other utility company measures of energy used by a nonresidential building during the most recent 12 months.
- (m) "Entire Building" means the portion of the building for which the owner possesses title.
- (n) "EPA" means the U.S. Environmental Protection Agency.
- (o) "KBtus" means kilo (thousand) British thermal units.
- (p) "Nonresidential Building" means a building of an occupancy type A, B, E, I-1, I-2, I-3?, M, R1, S and parking garages under type U, as defined in the California Building Code, title 24, section 302 et seq. (2007).
- (q) "Portfolio Manager" means the U.S. Environmental Protection Agency's online tool for managing building data.
- (r) "Utility Company" means the entity or entities billing a nonresidential building owner and/or a tenant for energy use in the building.

Note: Authority cited: Sections 25213, 25218(e) and 25402.10, Public Resources Code. Reference: Sections 25116 and 25402.10, Public Resources Code; Sections 302 et seq., Title 24, California Building Code.

**Section 1683. Creation of ENERGY STAR® Portfolio Manager Accounts; Utility Release of Data; Generation of CEC Commercial Building Energy Performance Disclosure Reports**

- (a) According to the implementation schedule established by Section 1685, and at least 30 days before a disclosure is required by Section 1684, a building owner shall open an account at the U.S. EPA's ENERGY STAR® Portfolio Manager website, and in that account:
- (1) identify the building; and identify all utility company meters or utility company accounts that serve the building;
  - (2) provide building characteristics as requested;
  - (3) provide contact information;
  - (4) authorize all utility companies serving the building to release energy use data for each meter serving the building to the owner's Portfolio Manager account; and
  - (5) request all utility companies serving the building to release all energy use data for each meter serving the building from the most recent 12 months to the owner's Portfolio Manager account.
- (b) Within 15 days of receiving an authorization and request from a building owner to release energy use data to the U.S. EPA's Portfolio Manager, a utility company shall upload the entire building's energy use data to Portfolio Manager, subject to the following condition:
- (1) a utility company may verify an authorization is complete and accurate before releasing energy use data;
  - (2) a utility company shall release tenant energy use data to the building owner's Portfolio Manager account for the sole purpose of complying with AB 1103;
  - (3) a building owner shall use and disclose tenant energy use data for the sole purpose of complying with AB 1103.
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- (c) After all utility companies serving a building have uploaded the building's energy use data, the building owner shall, in sufficient time to comply with the schedule established in Section 1685, upload ENERGY STAR® Portfolio Manager account data to the CEC Nonresidential Building Benchmarking website, and generate a CEC Commercial Building Energy Performance Disclosure report for the building.

Note: Authority cited: Sections 25213, 25218(e), and 25402.10, Public Resources Code. Reference: Sections 6252 and 6254.16, Government Code; Section 25402.10, Public Resources Code.

### **Section 1684. Disclosure of CEC Commercial Building Energy Performance Report**

According to the schedule established in Section 1685, a building owner shall disclose the CEC Commercial Building Energy Disclosure report:

- (a) at or before the time the owner presents a sales contract to a prospective buyer;
- (b) at or before the time the owner presents a lease for the entire building to a prospective lessee; and
- (c) at or before the time the owner presents a loan application to finance the entire building to a prospective lender.

Note: Authority cited: Sections 25213, 25218(e), and 25402.10, Public Resources Code. Reference: Section 25402.10, Public Resources Code.

### **Section 1685. Implementation Schedule for Disclosures**

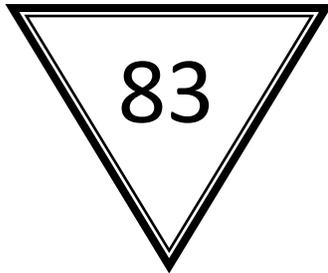
- (a) On and after January 1, 2011, a building owner shall disclose, pursuant to Section 1684, the building's the CEC Commercial Building Energy Disclosure report for nonresidential buildings that:
  - (1) are solely occupied by the owner; or
  - (2) measure more than 50,000 square feet.
- (b) On and after January 1, 2012, a building owner shall disclose, pursuant to Section 1684, the CEC Commercial Building Energy Disclosure report for nonresidential buildings that measure 10,000 to 50,000 square feet.
- (c) On and after July 1, 2012, a building owner shall disclose, as described in Section 1684, the CEC Commercial Building Energy Disclosure report for buildings that measure from 1,000 to 10,000 square feet.

Note: Authority cited: Sections 25213, 25218(e), and 25402.10, Public Resources Code.  
Reference: Section 25402.10, Public Resources Code.

# Commercial Building Energy Performance Disclosure

In conformance with California Code of Regulations, Title 20, Article 9 (2010)

ENERGY STAR PORTFOLIO MANAGER  
Commercial Building  
Energy Performance Disclosure  
*(U.S. EPA will design this box)*



Scale from worst to best  
1 to 100

United States Environmental Protection Agency

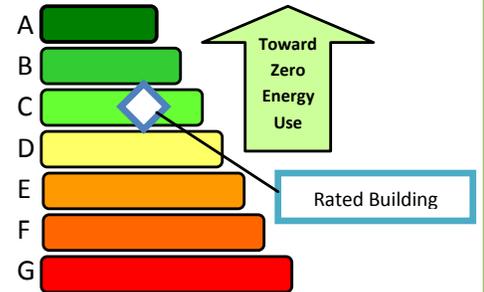
## Energy Use Index

Raw: 157

Weather  
Normalized:  
**142**

1,000 Btu  
per square foot  
per year

## California Commercial Building Energy Performance Disclosure



California Energy Commission

Building Name: **Mort's 02937753**  
Address: **1919 Pentane St.**  
City: **Lodi**  
Zip Code: **98776**  
Building ID Code: **00893472355**  
Certificate Issue Date: **January 3, 2011**  
Building Type: **Retail Store**

Gross Floor Space (square feet): **7,324**  
Annual Electricity Usage (kWhr): **43,564**  
Annual Natural Gas Usage (therms): **12,344,732**  
Other Annual Energy Usage: **None**  
Renewable Energy Production (kWhr): **None**  
Percent of Electricity from Renewables (%): **0**

The Energy Performance scores were determined for this building based on recorded energy consumption, the square footage of the buildings and the following default or actual building characteristic data:

Default	Building Data	Building Characteristic
<input type="checkbox"/>	_____	Weekly operating hours
<input type="checkbox"/>	_____	Number of workers of main shift
<input type="checkbox"/>	_____	Number of personal computers
<input type="checkbox"/>	_____	Number of cash registers
<input type="checkbox"/>	_____	Number of walk-in refrigerator/freezer units
<input type="checkbox"/>	_____	Number of open and closed refrigeration/freezer units
<input type="checkbox"/>	_____	Percent of floor area that is cooled in 10% increments ( 10%, 20%, 30%, etc)
<input type="checkbox"/>	_____	Percent of floor area that is heated in 10% increments ( 10%, 20%, 30%, etc)
<input type="checkbox"/>	_____	Exterior entrance to the public (yes or no)

I, \_\_\_\_\_ on this date of \_\_\_\_\_  
Do hereby attest and affirm that all the information or selections that appear on this disclosure were entered by me and accurately represent the building identified to the best of my knowledge.

Signed: \_\_\_\_\_

[sample explanations for back of form]

1. **Building ID:** This code will be supplied to you upon registration at the CEC's benchmarking website.
2. **Issue Date:** This is the date your rating form was processed by the CEC.
3. **California Rating:** This letter score ranges between A and G, with A being a Zero Energy building and G being the least efficient building possible. It ranks your building against other similar building types throughout California. Buildings compliant with the current energy code will fall around the B range; the stock median of California buildings fall around the D or E range.
4. **Verification Information:** This field is not mandatory, however helps to verify and authenticate your building's rating and the data input into your benchmarking account. It includes the date the data was verified, contact information of the person doing the verification, and the gross floor area in square feet of the space. The absence of this information will not harm a score in any way, but it could help increase the confidence of those reading the energy performance report of its accuracy.
5. **California Median EUI:** This number is the median energy use in kbtu/square foot per year of similar building types throughout California. The percentage given is how much energy your building uses compared to that median. So for this example, your building uses 92% of the energy the median building of that building type uses in California. As a rule of thumb, the lower the percentage, the less energy your building uses.
6. **Energy Use Index (EUI):** Two numbers are provided, both the raw EUI in kbtu per square foot per year and the weather normalized EUI. The weather normalized score is a more accurate reflection of the building's energy use over the previous year because it takes into account weather patterns. Additionally, it can better be compared across geographical areas because it removes the variable of extreme heat and/or cold.
7. **Actual Data vs. Default:** This section clarifies the type of data that was used to determine your rating. The use of default data, while not prohibited under AB1103, is discouraged because it tends to result in an inaccurate rating. Inputting actual data produces a more authentic representation of the actual energy use of the building and is highly recommended.