

Advisory Committee for the Building Energy Reporting and Disclosure Ordinance

First Meeting – October 29, 2013, 9:30 AM – City Hall, Room 900

Meeting Minutes

In attendance: Committee members Rob Brierley, John Cioffi, Darien Crimmin, Elijah Ercolino, Mike Gill, John Messervy, Gordon Pulsifer, and Peter See. Brian Swett, Carl Spector, Nikhil Nadkarni, and Haidee Janak, from City of Boston. Three public attendees.

Brian Swett thanked the Committee for their work. Carl Spector provided an overview of the public comment process and meeting structure. The following bullets summarize questions or concerns raised by committee members and the main elements of discussion:

- *What if Portfolio Manager is not working?* This has happened recently (e.g., during the federal government shutdown), and building owners should not be at risk due to an inability to report their data in such circumstances. Because the ordinance allows the Commission to suspend reporting deadlines for a “significant obstacle,” the regulations probably don’t need to address this issue.
- *Is there flexibility in using other reporting tools? Is Portfolio Manager compatible with all building types?* An Energy Star score is not required for compliance with reporting, and, as a result, Portfolio Manager is usable for all building types. Currently, Portfolio Manager is the widely used, standard tool for building energy reporting.
- *Will buildings that can’t receive an Energy Star score still be able to get exemptions from assessments/actions?* The regulations provide other exemption criteria for non-scored buildings.
- *The exemption criteria for highly efficient buildings without Energy Star scores should be more specific.* Labs, for example, could be compared to other labs, or using the Labs 21 standards. New York may start to use a scorecard along these lines. Vacancy should be taken into account in any comparisons. City staff ask committee members to provide examples of other such standards or criteria.
- *Condominiums operate differently than apartment buildings, and the regulations need to take this into account.* There needs to be flexibility for condos regarding a) vacancies, b) getting data from unit owners, and c) energy improvements, approval for which is difficult to obtain. Committee members will provide additional suggestions regarding regulatory language better suited for condos.
- *Have the utilities agreed to provide whole-building data directly to building owners?* The City is working with utilities, which are developing their systems to provide this, thereby avoiding the need to request data from tenants or to estimate energy use from partial data. Water is already billed as whole-building, and steam usually is as well.

- *The 20-percent “penalty” for extrapolated data or default data seems unnecessary or arbitrary.* It’s difficult to collect tenant data as it is. City staff explained that the proposed approach is aligned with New York’s, based on an analysis of their reporting data, and is designed to make default values approximately equal to 25th-percentile energy use. While the hope is that utility whole-building data works out, the higher-than-average default and extrapolation values are an incentive to collect actual data.

There are two sub-issues: first, the 67% threshold for extrapolation. One committee member suggested a 50% threshold; it may be possible to use an even lower threshold and still obtain a reliable extrapolation, especially for residential buildings. City staff will reconsider the appropriate value for the extrapolation threshold.

The other sub-issue is whether the 20% addition to average and default values is appropriate. Some committee members thought that the addition “skews” the data, and proposed that the average energy use or a straight extrapolation be used instead. Starting off with a high ballpark value could make subsequent improvements to EUI more feasible. Condos are especially challenged by the split incentive of energy investments. City staff clarified that the 20 percent addition does not apply to parts of the building where energy use is known, and that the language will be changed to clarify this.

In regards to how the Commission can identify the use of extrapolated data, the City can use QA/QC checks, and the Commission can inspect records if needed. This is how the City can also check on the misreporting of square footage, which could be a concern.

- *What format will this data be made available in?* City staff will check to see whether the data is subject to the Freedom of Information Act. Regardless, it will always be accessible to the public in some form.
- *Will the default values be updated?* The source of the data is the U.S. DOE. City staff will revise the regulations to indicate that the BERDO default data will be updated as the DOE data are updated.
- *The 15% energy reduction as an action is a tough requirement that will discourage owners from taking energy actions, and the regulations should say “should reduce by 15%...” [1.10(b)].* Some feel a 15% cut is not the same across different sectors. Staff pointed out that the 15% reflects the Climate Action Plan GHG reduction goal and that the regulations allow for a combination of actions. The regulations will be modified to state more clearly that the 15% can be cumulative over 5 years.
- *Some mention of the cost-effectiveness of energy actions might be appropriate.*
- *Are ASHRAE Level 2 audits the right requirement?* The original draft of the Ordinance called for ASHRAE Level 2 audits, but was revised to not specify the level of audit, after concerns about the

appropriateness and cost and discussion of allowing audits from MassSave to fulfill assessment requirements. The proposed regulations specify ASHRAE Level 2 audits and allow proposals for other protocols, such as remote audits, but it might be useful to include more in the regulations to start. Committee members will share with staff some of their own audit protocols that are working well for them, as well as a comparison of ASHARE Levels 1, 2, and 3.

- *The assessor qualification list is too strict.* While it's necessary to avoid bad audits, utilities themselves would send out assessors that aren't Professional Engineers. City staff says it can examine other assessor standards that building owners currently use.
- *What about fuel-switching or renewable energy purchasing as an energy action, since this lines up with the GHG-reduction goal of the Ordinance?* This is most likely reflected in Portfolio Manager, and thus would show as an EUI reduction. City staff will amend the regulations to identify GHG reduction as an exemption or energy action, as long as the GHG reduction can be shown clearly.