

State of Florida

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DIVISION OF APPEALS
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Public Service Commission

June 21, 1996

Ms. Susan Stafford
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: PSC 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

Dear Ms. Stafford:

As you requested, enclosed is the correct version of the changes made to Rule 25-17.003, F.A.C. If you need anything else to complete your file, please do not hesitate to call.

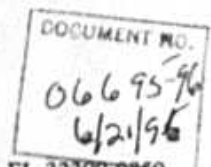
Sincerely,

A handwritten signature in cursive script that reads "Mary Anne Helton".

Mary Anne Helton
Associate General Counsel

Enclosure

cc: Division of Records & Reporting



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

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

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

8 ~~(2)(3)~~ Definitions₊

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

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

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

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

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

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1 (d) "Conservation Measures" refers to replacing, upgrading,
2 or installing equipment which reduces energy usage or peak demand
3 contribution, such as the:

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

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1 faucets;

2 21. Installation of solar swimming pool heating system; and

3 22. Installation of load management devices, where load
4 management rates are offered.

5 (e) "Conservation Practices" refers to actions performed by
6 a customer which reduce energy usage or peak demand contribution,
7 such as:

8 1. Furnace efficiency maintenance and adjustments;

9 2. Cooling system efficiency maintenance and adjustments;

10 3. Nighttime temperature setback;

11 4. Reduction of thermostat setting in winter;

12 5. Increase of thermostat setting in summer;

13 6. Reduction of hot water temperature;

14 7. Reduction of energy use when residence is unoccupied; and

15 8. Efficient use of shading.

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

18 (g)-(d) "Industrial Audit" means an energy analysis of an
19 industrial facility and its associated energy systems to determine
20 its energy efficiency and to identify for the customer those ~~most~~
21 effective measures ~~that~~ ~~which~~ may improve its energy efficiency.

22 (h) "Mail-in Audit" means an energy analysis of a residence
23 or building in which the utility supplies to the eligible customer
24 a data collection form which is completed by the customer, and
25 upon receipt of the completed form, the utility analyzes the data

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1 | and submits to the customer the results of its evaluation.

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

8 | (3) Scope.

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

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

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

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

24 | (4) Energy Audit Charges.

25 | (a) Every public utility shall charge an eligible customer

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1 for a BERS Audit. The amount of this charge, which shall reflect
2 actual cost, shall first be filed with the Commission as part of
3 the utility's tariff.

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

8 (c) Every utility may charge an eligible customer for a Walk-
9 Through Audit. The amount of this charge, which shall not exceed
10 \$5, shall first be filed with the Commission as part of the
11 utility's tariff.

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

15 (5) Minimum Auditor Qualifications.

16 (a) Every utility shall certify that each of its residential
17 energy auditors meets the minimum qualifications in paragraph
18 (5) (b). The certification, along with a list of auditors
19 performing energy audits, shall be filed annually with the
20 Director, Division of Electric and Gas, by September 30 of each
21 year.

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

- 23 1. Have been trained in a program meeting the
24 curriculum requirements of paragraph (5) (c); and
- 25 2. Have demonstrated a proficiency in the areas listed

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1 in paragraph (5)(c) through a written test or
2 practical demonstration.

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

- 5 1. The three types of heat transfer and the effects of
6 temperature and humidity on heat transfer;
- 7 2. General mathematics, including powers of ten,
8 decimals and fractions, simple equations, heat loss
9 and heat gain computations utilizing British
10 Thermal Units (BTUs), and pay back calculations;
- 11 3. Utility billing procedures, meter reading, and
12 identification of weather sensitive consumption
13 relationships based on a customer's billing
14 history;
- 15 4. Residential construction terminology and components;
- 16 5. The operation of heating and cooling systems used
17 in residential buildings; and
- 18 6. The application of energy conservation practices
19 and measures including the advantages and
20 disadvantages of each.

21 (6) Pre-audit performance criteria for Computer-Assisted
22 Audits.

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

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- 1 1. Typical and recent local prices for materials and
2 installation;
- 3 2. Typical local climate data for the audited
4 residence; and
- 5 3. Typical local price of electricity.

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

8 (7) Performance of the audit.

9 (a) Upon arrival at a residence, the auditor shall provide
10 proper identification and confirm the customer's understanding of
11 the scope and cost of the audit.

- 12 1. The auditor shall discontinue or decline to perform
13 the audit if the customer, at any time, objects to
14 its performance.
- 15 2. The auditor may discontinue or decline to perform
16 the audit if the auditor determines that
17 continuation of the audit may be dangerous.

18 (b) The auditor shall determine and explain to the customer
19 wh. a conservation practices are applicable and recommend that the
20 customer apply them prior to or in conjunction with adopting any
21 conservation measure.

22 (c) For Computer-Assisted Audits, to determine the
23 appropriate conservation measures, the auditor shall gather and
24 record the following information where applicable:

- 25 1. Exterior opaque wall area, including present level

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1 of wall insulation;

2 2. Type and condition of exterior window and door
3 areas;

4 3. Ceiling area, including present level of attic
5 insulation;

6 4. Floor area, including present level of floor
7 insulation, if any;

8 5. Water heater size, age, and type;

9 6. Air conditioning system type, size, age, fuel type,
10 and duct condition;

11 7. Heating system type, size, age, and fuel type; and

12 8. Other items as appropriate.

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

16 1. An estimate of the potential energy and cost
17 savings of each applicable conservation measure;

18 2. An estimate of the total installation cost for each
19 applicable conservation measure, both by the
20 customer and by a contractor;

21 3. An estimate of the expected payback time for the
22 customer's cost of purchasing and installing each
23 applicable conservation measure, calculated using
24 the anticipated percentage change in energy costs;

25 4. An example calculation which clearly indicates that

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1 total energy cost savings from the installation of
2 more than one conservation measure could be
3 different from the sum of energy cost savings of
4 each individually installed conservation measure;
5 and

6 5. An explanation of the availability of energy
7 conservation and load management programs.

8 (8) Energy Audit Disclosures and Disclaimers.

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

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

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

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

7 (9) Installation Arrangements.

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

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

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

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

21 (10) Post-Audit Inspection.

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

25 (b) The utility performing the audit shall be responsible for

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1 performing post-audit inspections of 10 percent of each type of
2 energy conservation measure installed as a result of the utility's
3 recommendation.

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

6 (11) Program announcement.

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

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

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

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

24 (12)(5) For every each customer requesting either a BERS,
25 Computer-Assisted, or Walk-Through Audit an Energy Conservation

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1 ~~Audit or an Alternative Audit, every~~ each utility shall provide
2 ~~the requested audit to the customer in accordance with the~~
3 ~~provisions of Chapter 25 17.51 through 25 17.65, F.A.C.~~

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

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

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

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

17 (13) Program Record Keeping.

18 (a) For every audit performed, every utility shall keep for
19 3 years from the audit performance a record that consists of the
20 customer's energy use for 12 months prior and 12 months after the
21 date of the audit. The record shall list the amount of electricity
22 or natural gas purchased for every month of both 12 month periods.

23 (b) Every electric utility shall record the amount collected
24 pursuant to Rule 25-17.003(4) in subaccounts within Account 456.
25 Every gas utility shall record the amount collected pursuant to

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1 | Rule 25-17.003(4) in subaccounts within Account 495.

2 | (14) Contracts for Performing Audits. Any utility may
3 | contract with another entity to perform the audits required by this
4 | rule.

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

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

7 | History: New 12/2/80, formerly 25-17.03, Amended 12/30/82,
8 | 11/24/86, 5/10/93, 7/14/96.

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1 25-17.051 Definitions As Used in This Part:

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

3 Law Implemented: 366.82, F.S.

4 History: New 5/4/80, Amended 12/6/80, 9/28/81; transferred from
5 25-6.111, except that subsections (9) and (10) were transferred
6 from 25-6.115, Amended 10/28/82, 2/22/84, formerly 25-17.51,
7 repealed 7/14/96.

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1 25-17.052 Auditors; Minimum Qualifications.
2 Specific Authority: 366.05(1), 366.82(7), F.S.
3 Law Implemented: 366.82(7), F.S.
4 History: New 10/28/82, formerly 25-17.52, repealed 7/14/96.
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1 25-17.053 Program Announcement.
2 Specific Authority: 366.05(1), 366.82(1), (5), F.S.
3 Law Implemented: 366.82, F.S.
4 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.113,
5 Amended 10/28/82, 2/22/84, formerly 25-17.53, repealed 7/14/96.

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1 25-17.054 Energy Audit; Offer and Initial Contact.
2 Specific Authority: 366.05(1), 366.82(1), (5), F.S.
3 Law Implemented: 366.82, F.S.
4 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.114,
5 Amended 10/28/82, 2/22/84, formerly 25-17.54, repealed 7/14/96.

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1 25-17.0545 Contracts for Performing Audits.

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

3 Law Implemented: 366.82, F.S.

4 History: New 10/28/82, formerly 25-17.545, repealed 7/14/96.

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1 25-17.055 Performance of the Energy Conservation Audit.

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

3 Law Implemented: 366.82, F.S.

4 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.115,
5 25-6.115(3)(a), transferred to 25-17.51(9), 25-6.115(3)(c),
6 transferred to 25-17.51(10), Amended 10/28/82, 2/22/84, 5/20/92,
7 formerly 25-17.55, repealed 7/14/96.

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1 25-17.0555 The Five-Star Rating System.
2 Specific Authority: §366.05(1), 366.82(1), (5), F.S.
3 Law Implemented: §366.82, F.S.
4 History: New 2/22/84, formerly 25-17.555, repealed 7/14/96.
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1 25-17.056 Program Inspections.
2 Specific Authority: §366.05(1), 366.82(1), (5), F.S.
3 Law Implemented: 366.82, F.S.
4 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.116,
5 Amended 10/28/82, formerly 25-17.56, repealed 7/14/96.

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25-17.057 Energy Conservation Audit Results.

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

Law Implemented: 366.82, F.S.

History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.117,
Amended 10/28/82, 5/20/92, formerly 25-17.57, repealed 7/14/96.

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1 25-17.059 Energy Conservation Audit Charges, Disclosures, and
2 Disclaimers.

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

4 Law Implemented: 366.82, F.S.

5 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.119,
6 Amended 10/28/82, formerly 25-17.59, repealed 7/14/96.

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25-17.061 Financing and Installation Arrangements.

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

Law Implemented: 366.82, F.S.

History: New 12/17/80, Amended 10/28/82, formerly 25-17.61,
repealed 7/14/96.

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1 25-17.064 Program Work Plans and Reports.
2 Specific Authority: 366.05(1), 366.82(5), F.S.
3 Law Implemented: 366.82, F.S.
4 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.124,
5 Amended 10/28/82, 2/22/84, formerly 25-17.64, repealed 7/14/96.

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1 25-17.065 Program Recordkeeping.
2 Specific Authority: 366.05(1), 366.82(5), F.S.
3 Law Implemented: 366.82, F.S.
4 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.124,
5 Amended 10/28/82, 2/22/84, formerly 25-17.65, repealed 7/14/96.
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