

State of Florida



## Public Service Commission

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

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

---

**DATE:** January 14, 2014  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Cindy Miller, Office of the General Counsel *CM*  
**RE:** Docket No. 130257-EI

---

Please file the attached rule certification packet for Rule 25-17.003, F.A.C., in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC  
14 JAN 14 PM 12:55  
COMMISSION  
CLERK

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

# Public Service Commission

January 14, 2014

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Register Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

**VIA HAND DELIVERY**

**Re: Rule Certification Packet for Rule 25-17.003, Florida Administrative Code**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-17.003, Florida Administrative Code, consisting of:


- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2014 JAN 14 AM 10:55  
FILED

Page 2

Please let me know if you have any questions. The contact name and information for this rule are Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "Cindy Miller".

Cindy Miller  
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-17.003

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

Carlotta S Stauffer  
CARLOTTA S. STAUFFER

Commission Clerk \_\_\_\_\_  
Title 17  
Number of Pages Certified \_\_\_\_\_



**25-17.003 Energy Audits.**

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

(2) Definitions.

(a) “Building Energy-Efficiency Rating System (BERS) Audit” means an energy analysis of a residence performed in compliance with Section 553.995, F.S. ~~and subsections 9B-60.004(3) and (4) and Rule 9B-60.005, F.A.C.~~

(b) “Computer-Assisted Audit” means an energy analysis of a residence 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.

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

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

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

15. Plugging leaks in attic, basement, and fireplace;
16. Installation of waste heat recovery water heating system;
17. Installation of heat pump or natural gas water heater;
18. Installation of solar water heating system;
19. Installation of water heater insulation;
20. Installation of water flow restrictors in showers and faucets;
21. Installation of solar swimming pool heating system; and
22. Installation of load management devices, where load management rates are offered.

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

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

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

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

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

(i) "Walk-Through Audit" means an 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.

(3) Scope.

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

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

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

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

(4) Energy Audit Charges.

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

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

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

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

(5) Minimum Auditor Qualifications.

(a) Every utility shall certify that each of its residential energy auditors meets the minimum qualifications in paragraph (5)(b). ~~The certification, along with a list of auditors performing energy audits, shall be filed annually with the Director, Division of Economic Regulation, by September 30 of each year.~~

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

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

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



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

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

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

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

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

(7) Performance of the audit.

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

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

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

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

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

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

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

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

(8) Energy Audit Disclosures and Disclaimers.

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

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

(c) Upon customer request, the auditor shall disclose the results of any prior audit of the customer's residence if such

records are still available.

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

(9) Installation Arrangements.

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

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

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

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

(10) Post-Audit Inspection.

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

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

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

(11) Program announcement.

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

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

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

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

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

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

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

(13) Program Record Keeping.

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

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

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

*Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a), (f), 366.82(5), (7) FS.*

*History—New 12-2-80, Amended 12-30-82, Formerly 25-17.03, Amended 11-24-86, 5-10-93, 7-14-96,*

---



#### SUMMARY OF THE RULE

The amendments remove obsolete references in subsection (2)(a) of Rule 25-17.003, F.A.C. The rules mentioned in the subsection have been repealed and they should not be listed. The amendments also delete a requirement in subsection (5)(a) which required that a utility file annually with the Commission a certification that each of its residential energy auditors meet minimum qualifications along with a list of auditors performing energy audits. This submission of the information is unnecessary because it has not been used by the Commission or outside entities.

#### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

These rule amendments are needed to simplify the rule and remove an unnecessary requirement.

#### SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.