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DIVISION OF APPEALS  
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 DIRECTOR  
 (904) 413-6245

## Public Service Commission

February 20, 1996

Mr. Carroll Webb  
 Joint Administrative Procedures  
 Committee  
 120 Holland Building  
 Tallahassee, Florida 32399

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

ACK \_\_\_\_\_ Dear Mr. Webb:

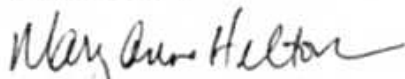
AFA \_\_\_\_\_ Enclosed are an original and two copies of the following  
 APP \_\_\_\_\_ materials concerning the above referenced proposed rules:

- CAF \_\_\_\_\_ 1. A copy of the rules.  
 CMU \_\_\_\_\_ 2. A copy of the F.A.W. notice.  
 CTR \_\_\_\_\_ 3. A statement of facts and circumstances justifying the  
 EAG \_\_\_\_\_ proposed rules.  
 LEG \_\_\_\_\_ 4. A federal comparison statement.  
 LIN \_\_\_\_\_ 5. A statement of the impact of the rules on small business.  
 OPC \_\_\_\_\_ 6. No economic impact statement was prepared.  
 RCH \_\_\_\_\_ 7. A statement that the agency has chosen the regulatory  
 SEC   /   alternative that imposes the lowest net cost to society.  
 WAS \_\_\_\_\_  
 OTH \_\_\_\_\_

Mr. Carroll Webb  
Page -2-  
February 20, 1996

If there are any questions with respect to these rules, please do not hesitate to call on me.

Sincerely,



Mary Anne Helton  
Associate General Counsel

AM025-17.MRD

Enclosures

cc: Division of Records & Reporting

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

2 (1) Purpose, <sup>+</sup> 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, <sup>+</sup>

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

11 (a) "Class A Audit" means a computer assisted energy analysis  
12 of a residence in which a qualified auditor performs a  
13 comprehensive on-site evaluation of the residence in accordance  
14 with subsection (6) and paragraphs (7)(c) and (7)(d), and, if  
15 applicable, provides installation arrangements and inspections  
16 pursuant to this rule.

17 (b) "Class B Audit" means a walk through energy analysis of  
18 a residence in which a qualified auditor walks through the  
19 residence making extensive observations as to the physical  
20 structure and components, performs simplified heat gain and heat  
21 loss computations, and advises the customer of feasible energy  
22 conservation practices and measures.

23 ~~(c)(b)~~ "Commercial Audit" means an energy analysis of a  
24 commercial building and its associated energy systems to determine  
25 its energy efficiency and to identify for the customer those ~~cost~~

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1 effective measures that which may improve its energy efficiency.

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

4 (d) "Conservation Measures" refers to the following examples  
5 of replacing, upgrading, or installing equipment which reduce  
6 energy usage or peak demand contribution:

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

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1 18. Installation of solar water heating system;

2 19. Installation of water heater insulation;

3 20. Installation of water flow restrictors in showers and  
4 faucets;

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

6 22. Installation of load management devices, where load  
7 management rates are offered.

8 (e) "Conservation Practices" refers to the following actions  
9 performed by a customer which reduce energy usage or peak demand  
10 contribution:

11 1. Furnace efficiency maintenance and adjustments;

12 2. Cooling system efficiency maintenance and adjustments;

13 3. Nighttime temperature setback;

14 4. Reduction of thermostat setting in winter;

15 5. Increase of thermostat setting in summer;

16 6. Reduction of hot water temperature;

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

18 8. Efficient use of shading.

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

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

25 (h) "Mail In Audit" means an energy analysis of a residence

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1 in which the utility supplies to the eligible customer a data  
2 collection form which is completed by the customer, and, upon  
3 receipt of the completed form, the utility analyzes the data and  
4 submits to the customer the results of its evaluation.

5 (3) Scope.

6 (a) All utilities are required to offer eligible residential  
7 customers Class A and Class B audits which comply with subsections  
8 (4) through (14) below. Prior to conducting Class A and Class B  
9 audits, procedures for conducting these audits must be approved by  
10 the Commission.

11 (b) Any utility may offer mail in audits to eligible  
12 customers. Every utility that performs mail in audits shall comply  
13 with subsections (13) and (14) below.

14 (c) Any utility may offer a commercial or industrial audit to  
15 commercial and industrial customers. Every utility that performs  
16 commercial or industrial audits shall comply with subsections (13)  
17 and (14) below.

18 (4) Energy Audit Charges.

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

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

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1 tariff.

2 (5) Minimum Auditor Qualifications.

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

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

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

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

- 17 1. The three types of heat transfer and the effects of  
18 temperature and humidity on heat transfer;  
19 2. General mathematics, including powers of ten,  
20 decimals and fractions, simple equations, heat loss  
21 and heat gain computations utilizing British  
22 Thermal Units (BTUs), and pay back calculations;  
23 3. Utility billing procedures, meter reading, and  
24 identification of weather sensitive consumption  
25 relationships based on a customer's billing

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1 history:

2 4. Residential construction terminology and components:

3 5. The operation of heating and cooling systems used  
4 in residential buildings; and

5 6. The application of energy conservation practices  
6 and measures including the advantages and  
7 disadvantages of each.

8 (6) Pre-audit performance criteria for Class A Audits.

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

12 1. Typical and recent local prices for materials and  
13 installation;

14 2. Typical local climate data for the audited  
15 residence; and

16 3. Typical local price of electricity.

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

19 (7) Performance of the audit.

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

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

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1           2. The auditor may discontinue or decline to perform  
2           the audit if the auditor determines that  
3           continuation of the audit may be dangerous.

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

8           (c) For Class A Audits, to determine the appropriate  
9           conservation measures, the auditor shall gather and record the  
10           following information where applicable:

- 11           1. Exterior opaque wall area, including present level  
12           of wall insulation;
- 13           2. Type and condition of exterior window and door  
14           areas;
- 15           3. Ceiling area, including present level of attic  
16           insulation;
- 17           4. Floor area, including present level of floor  
18           insulation, if any;
- 19           5. Water heater size, age, and type;
- 20           6. Air conditioning system type, size, age, fuel type,  
21           and duct condition;
- 22           7. Heating system type, size, age, and fuel type; and
- 23           8. Other items as appropriate.

24           (d) For Class A Audits, using the data gathered pursuant to  
25           paragraph (7)(c), the auditor shall provide the customer with a

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1 result sheet showing:

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

18       (8) Energy Audit Disclosures and Disclaimers.

19       (a) Each Class A Audit result sheet shall include the  
20 following or similar statement: "The procedures used to make these  
21 installation cost and energy savings estimates are consistent with  
22 Commission rules and good engineering practices. However, the  
23 actual installation costs you incur and energy savings you realize  
24 from installing these measures may be different from the estimates  
25 contained in this audit report. Although the estimates are based

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1 on measurements of your house, they are also based on assumptions  
2 which may not be entirely correct for your household due to  
3 differing energy use patterns."

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

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

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

17 (9) Installation Arrangements.

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

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

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

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1 1. Discriminate among eligible customers, suppliers, or  
2 contractors; or

3 2. Arrange for installation of any measure which is not  
4 included in the utility's most recent Demand Side  
5 Management Plan approved by the Commission.

6 (10) Post-Audit Inspection.

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

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

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

16 (11) Program announcement.

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

19 (b) The program announcement shall describe the Class A and  
20 Class B Audits, offer them to all eligible customers, and advise  
21 eligible customers of any fee charged for the audits.

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

25 ~~(4) Each utility shall notify its residential, commercial,~~

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1 ~~and industrial customers of the availability of energy audits at~~  
2 ~~least once every six months. Notification of audit availability,~~  
3 ~~at a minimum, must be made by use of notices in billing statements~~  
4 ~~or other means that involves direct notification to the customer.~~  
5 ~~The announcement of the Residential Conservation Audits as required~~  
6 ~~in Chapter 25 17.53(3)(e) can count as one of the biannual~~  
7 ~~notifications for the residential customers.~~

8 ~~(12)(5)~~ For every each customer requesting either a Class A  
9 or Class 3 Audit an Energy Conservation Audit or an Alternative  
10 Audit, every each utility shall provide the requested audit to the  
11 customer in accordance with the provisions of Chapter 25 17.51  
12 through 25 17.65, F.A.C.

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

15 (b) Advise the customer as to the scope and cost of the Class  
16 B Audit;

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

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

22 ~~(6) For each customer requesting either a Commercial Audit or~~  
23 ~~an Industrial Audit, each utility shall provide or arrange to~~  
24 ~~provide the requested audit to the customer within 120 days of the~~  
25 ~~date the customer makes the request. The utility may recover the~~

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1 ~~actual expenses incurred by providing audits from those commercial~~  
2 ~~or industrial customers requesting such audits.~~

3 (13) Program Record Keeping.

4 (a) For every audit performed, every utility shall keep for  
5 3 years from the audit performance a record that consists of the  
6 customer's energy use for 12 months prior and 12 months after the  
7 date of the audit. The record shall list the amount of electricity  
8 and natural gas purchased for every month of both 12 month periods.

9 (b) Every electric utility shall record the amount collected  
10 pursuant to Rule 25-17.003(11)(a) in subaccounts within Account  
11 456. Every gas utility shall record the amount collected pursuant  
12 to Rule 25-17.003 (11)(a) in subaccounts within Account 495.

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

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

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

18 History: New 12/2/80, formerly 25-17.03, Amended 12/30/82,  
19 11/24/86, 5/10/93, \_\_\_\_\_.

20 25-17.051 Definitions As Used in This Part:

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

22 ~~(a) "PSC" or "Commission" refers to the Florida Public~~  
23 ~~Service Commission.~~

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

25 ~~(c) "DACS" refers to the Florida Department of Agriculture~~

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1 ~~and Consumer Services.~~

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

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

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

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

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

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

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

25 ~~(8) "Alternative (Walk Through) Audit" means an energy~~

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1 ~~analysis of a residence in which a qualified auditor walks through~~  
2 ~~the residence making extensive observations as to the physical~~  
3 ~~structure and components, performs simplified heat gain and heat~~  
4 ~~loss computations, and advises the customer of what energy~~  
5 ~~conservation practices and measures would be feasible to implement.~~

6 ~~(9) "Conservation Practices" refers to the following energy~~  
7 ~~conservation techniques:~~

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

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

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

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

12 ~~(e) Installation of water flow restrictors in showers and~~

13 ~~faucets;~~

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

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

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

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

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

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

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

21 ~~(10) "Conservation Measures" refers to the following energy~~  
22 ~~conservation techniques:~~

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

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

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

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

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

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

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

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

12 Law Implemented: §366.82, F.S.

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

17 25-17.052 Auditors; Minimum Qualifications.

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

25 ~~(2) (a) In order to be qualified to perform energy audits a~~

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1 ~~person must:~~

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

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

- 9 ~~1. The three types of heat transfer and the effects of~~
- 10 ~~temperature and humidity on heat transfer;~~
- 11 ~~2. General mathematics, which includes powers of ten,~~
- 12 ~~decimals and decimal fractions, simple equations,~~
- 13 ~~heat loss and heat gain computations utilizing~~
- 14 ~~British Thermal Units (BTUs), and cost~~
- 15 ~~effectiveness computations;~~
- 16 ~~3. Utility billing procedures, KWH meter reading, and~~
- 17 ~~how to determine weather sensitive consumption~~
- 18 ~~relations in the billing history of customers;~~
- 19 ~~4. Residential construction terminology and~~
- 20 ~~components;~~
- 21 ~~5. The operation of heating and cooling systems used~~
- 22 ~~in residential buildings;~~
- 23 ~~6. The different energy conservation practices and~~
- 24 ~~conservation measures and the advantages,~~
- 25 ~~disadvantages and applications of each and~~

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1 ~~installation standards published in the Federal~~  
2 ~~Register under Subpart I of the RCG Final Rule (10~~  
3 ~~CFR, Part 456, 44FR64602, November 7, 1979), which~~  
4 ~~apply to these measures or practices, and~~

5 ~~7. The nature of solar energy and of residential~~  
6 ~~applications including: Insulation; shading; heat~~  
7 ~~capture and transport; and heat transfer for hot~~  
8 ~~water and space heating where appropriate.~~

9 ~~8. The pertinent auditing procedures, as prescribed by~~  
10 ~~Rule 25-17.055, for each applicable practice and~~  
11 ~~measure, including a working ability to calculate~~  
12 ~~the steady state efficiency of a furnace or boiler~~  
13 ~~as required by Rule 25-17.057(3)(b).~~

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

16 ~~(a) The auditor has successfully completed a training course~~  
17 ~~that substantially covered the areas enumerated in paragraph~~  
18 ~~(2)(b); and~~

19 ~~(b) The auditor has demonstrated acceptable proficiency and~~  
20 ~~conduct when performing an energy audit.~~

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

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

23 History: New 10/28/82, formerly 25-17.52, repealed.

24 25-17.053 Program Announcement.

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

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

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

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

14 ~~(d) Describe and offer the eligible customers an alternative~~  
15 ~~audit and/or the customer assisted audit;~~

16 ~~(e) Contain the following or a comparable statement regarding~~  
17 ~~the five star rating system: "Audit results will include an~~  
18 ~~evaluation of the energy efficiency of your residence, according to~~  
19 ~~a five star rating system. The five star rating lets you compare~~  
20 ~~the energy efficiency of your home with that of other residences.~~  
21 ~~Owners of the most energy efficient homes, those qualifying for a~~  
22 ~~five star rating, and owners of homes above average in energy~~  
23 ~~efficiency, those earning a four star rating, will receive a~~  
24 ~~certificate attesting to their home's efficiency. The auditor will~~  
25 ~~also provide a list of the steps you can take to increase your~~

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1 ~~home's efficiency to qualify for either a four or five star~~  
2 ~~rating." The statement may appear on a separate sheet of paper~~  
3 ~~included with the program announcement.~~

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

6 ~~(g) Include the following disclosure or its equivalent,~~  
7 ~~"Energy savings depend on many factors. The estimates contained in~~  
8 ~~the Program Announcement are based on estimates for typical houses.~~  
9 ~~Your costs and savings will be different if your house is a~~  
10 ~~different size or type, if your family is a different size, or if~~  
11 ~~your energy using habits are different from those we assumed. The~~  
12 ~~energy conservation audit which we offer will provide more specific~~  
13 ~~estimates for your home";~~

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

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

20 ~~(2) By January 15, 1981, each utility shall submit to the~~  
21 ~~Commission staff the full contents of its proposed program~~  
22 ~~announcement. If by February 1, 1981, the Commission staff has~~  
23 ~~failed to call to the utility's attention any defects in its~~  
24 ~~contents, the program announcement of that utility will be deemed~~  
25 ~~satisfactory for distribution.~~

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1 ~~(3) Mailing;~~

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

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

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

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

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 25-6.113,  
18 Amended 10/28/82, 2/22/84, formerly 25-17.53, repealed \_\_\_\_\_.

19 25-17.054 Energy Audit; Offer and Initial Contact.

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

22 ~~(2) Each utility shall also offer its eligible customers~~  
23 ~~either the customer assisted (mail in) audit or the alternative~~  
24 ~~(walk through) audit, provided however, that neither of these~~  
25 ~~audits shall be in lieu of or a prerequisite to the Energy~~

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1 Conservation Audit offer requirement described in subsection (1) of  
2 this rule.

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

6 ~~(a) Advise the customer as to the scope and cost of the~~  
7 ~~Energy Conservation Audit; and~~

8 ~~(b) Advise the customer as to the existence and scope of the~~  
9 ~~alternative audit and/or the customer assisted audit; or~~

10 ~~(c) Provide the rating developed under the five star rating~~  
11 ~~system. If the customer was previously audited, the five star~~  
12 ~~rating may be developed from existing audit records.~~

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

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

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

21 Law Implemented: 366.82, F.S.

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

24 25-17.0545 Contracts for Performing Audits. Any utility may  
25 ~~contract with another entity to perform the audits required by~~

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1 ~~these rules.~~

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.

5 25-17.055 Performance of the Energy Conservation Audit.

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

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

10 1. ~~Typical and recent local prices for materials and~~  
11 ~~installation, and~~

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

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

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

17 ~~(d) The utility shall use only DOE approved methodologies and~~  
18 ~~assumptions when performing the Energy Conservation Audit. The~~  
19 ~~utility shall submit certification of compliance with this~~  
20 ~~paragraph to the Commission.~~

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

22 ~~(a) Upon arrival at the residence of the eligible customer,~~  
23 ~~the auditor shall furnish proper identification and confirm that~~  
24 ~~the customer understands the scope and cost of the Energy~~  
25 ~~Conservation Audit. The auditor shall collect the fee or arrange~~

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1 ~~for billing pursuant to Rule 25-17.059(1)(a).~~

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

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

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

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

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

16 ~~1. Exterior opaque wall area and present level of~~  
17 ~~insulation.~~

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

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

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

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

22 ~~6. Air conditioning system type, fuel, approximate age, size~~  
23 ~~and duct condition.~~

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

25 ~~8. Other items as appropriate.~~

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1 ~~(d) Using the data gathered pursuant to paragraph (c), and~~  
2 ~~determining applicability of each conservation measure, the auditor~~  
3 ~~shall make calculations designed to arrive at an estimation of the~~  
4 ~~potential energy and overall cost savings to the customer who~~  
5 ~~installs the appropriate conservation measures.~~

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

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

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

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

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

23 Law Implemented: 366.82, F.S.

24 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.115,

25 25-6.115(3)(a), transferred to 25-17.51(9), 25-6.115(3)(c),

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

3 25-17.0555 The Five-Star Rating System.

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

15 ~~(a) A point system shall be developed to relate each~~  
16 ~~conservation measure evaluated in the Energy Conservation Audit or~~  
17 ~~Alternative (walk-through) Audit to a percentage saving in annual~~  
18 ~~energy consumption. The "base" residence shall be considered to~~  
19 ~~have the potential for an improvement of 100% in its energy~~  
20 ~~efficiency, and shall be assigned a value of 100 points. A home~~  
21 ~~which would result in audit findings that all conservation measures~~  
22 ~~had been taken will be considered to have a potential for an~~  
23 ~~improvement of 0% in its energy efficiency, and will be assigned a~~  
24 ~~value of zero points.~~

25 ~~(b) The points determined in accordance with paragraph (a)~~

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1 above, shall be converted to a five star rating according to the  
2 following relationship:

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

6       A higher number of stars denotes a more efficient home, with  
7 the five star rated home being the most efficient.

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

13       (a) Within one week of the completion of the audit, a  
14 four star or five star certificate shall be provided to the  
15 customer whose residence qualifies for such a rating. No  
16 certificate shall be provided for a residence qualifying for less  
17 than four stars.

18       (b) The auditor shall inform the customer, in writing, of  
19 those conservation measures or combination of measures needed to be  
20 taken to qualify the audited residence for an award of a four star  
21 or five star certificate. This may be accomplished by written  
22 notation on the detailed audit results given to the customer upon  
23 completion of the audit.

24       (c) The auditor shall inform the customer, in writing, of the  
25 procedure by which the customer may certify to the utility that

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1 ~~installations of conservation measures have been completed to~~  
2 ~~upgrade the residence to qualify for a four star or five star~~  
3 ~~certificate.~~

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

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

9 Law Implemented: ~~§366.82, F.S.~~

10 History: ~~New 2/22/84, formerly 25-17.555, repealed \_\_\_\_\_.~~

11 ~~25-17.056 Program Inspections.~~

12 ~~This rule only applies to installations of conservation~~  
13 ~~measures which were arranged by a utility pursuant to Rule~~  
14 ~~25-17.061, F.A.C.~~

15 ~~(1) To ensure quality control, and upon notification by the~~  
16 ~~eligible customer that an audit recommended installation has~~  
17 ~~occurred, the utility shall perform random inspections of~~  
18 ~~conservation measures installed as a result of the utility's~~  
19 ~~recommendation.~~

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

22 ~~(a) Assurance that all persons performing post installation~~  
23 ~~inspections have received training and are qualified to determine~~  
24 ~~whether the installation is in compliance with the standards~~  
25 ~~prescribed in subsection (6); and~~

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

4 ~~(3) The utility shall inspect four of each contractor's first~~  
5 ~~ten installations of ceiling insulation, wall insulation, floor~~  
6 ~~insulation, and domestic solar water heating systems. The utility~~  
7 ~~shall inspect at least one installation of each contractor of~~  
8 ~~conservation measures.~~

9 ~~(4) The utility shall inspect ten percent of all energy~~  
10 ~~conservation measures that are installed as a result of the~~  
11 ~~utility's recommendation. Inspections performed pursuant to~~  
12 ~~subsection (3) shall be included to meet the requirement imposed by~~  
13 ~~this subsection.~~

14 ~~(5) All post installation inspections will be conducted by a~~  
15 ~~qualified inspector with no financial interest in the contractor~~  
16 ~~who installed the measure unless the contractor is the utility.~~

17 ~~(6) The inspector will investigate to determine if the~~  
18 ~~installation was accomplished in conformance with the applicable~~  
19 ~~installation standards published in the Federal Register under~~  
20 ~~Subpart I of the RCS Final Rule (10 CFR Part 456, 44FR64602,~~  
21 ~~November 7, 1979), or, in the case of domestic solar hot water and~~  
22 ~~domestic solar pool heating systems, in accordance with the Florida~~  
23 ~~Standard Practices for Design and Installation of Solar Domestic~~  
24 ~~Hot Water and Pool Heating Systems, promulgated by the Florida~~  
25 ~~Solar Energy Center effective March 1, 1981.~~

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

3 ~~(8) The utility shall report the results of the inspection to~~  
4 ~~the eligible customer, the installer and DACS within two weeks of~~  
5 ~~the inspection. The report shall contain any customer complaint~~  
6 ~~concerning the installation.~~

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

8 Law Implemented: 366.82, F.S.

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

11 25-17.057 Energy Conservation Audit Results.

12 ~~(1) Unless an alternative method is authorized by Commission~~  
13 ~~order upon good cause shown, the auditor shall make recommendations~~  
14 ~~and provide the audit results and any recommendations to the~~  
15 ~~customer, on site, in writing, and in person, upon completion of~~  
16 ~~the audit, unless the customer is not present at the time of the~~  
17 ~~audit or otherwise declines in person presentations.~~

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

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

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

25 ~~(c) The annual ordinary maintenance cost, if any, for each~~

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1 ~~conservation measure;~~

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

4 ~~(e) \_\_\_\_\_ The expected time of payback as~~  
5 ~~provided in subsection (5) of this rule;~~

6 ~~(f) A clear indication via sample calculations or disclosure,~~  
7 ~~that the total energy cost savings from the installation of more~~  
8 ~~than one energy conservation measure could be less than the sum of~~  
9 ~~energy cost savings of each conservation measure installed~~  
10 ~~individually;~~

11 ~~(g) A explanation of the availability, if any, of innovative~~  
12 ~~energy conservation rate structures or load management techniques~~  
13 ~~offered by the utility;~~

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

18 ~~(3)(a) Except as provided in this paragraph, the auditor~~  
19 ~~may not provide cost and savings estimations for furnace efficiency~~  
20 ~~modifications described in Rule 25 17.051(10)(a) and (k), unless~~  
21 ~~the furnace uses primarily a source of energy supplied by the~~  
22 ~~utility performing the audit. Absent such use, the auditor shall~~  
23 ~~provide cost and savings estimations for furnace efficiency~~  
24 ~~modifications if the customer requests them and if the customer~~  
25 ~~agrees to sign the following statement: "If your home is heated by~~

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1 ~~a source of fuel other than (state the type of fuel supplied by the~~  
2 ~~utility), only the supplier of your fuel may audit your furnace~~  
3 ~~unless you specifically request us to do so. Federal law requires~~  
4 ~~that such a request be in writing. If you want us to audit your~~  
5 ~~furnace, although we do not supply the fuel it uses, please sign~~  
6 ~~below."~~

7 ~~(b) With regard to the conservation measure listed in Rule~~  
8 ~~25-17.051(10)(a) and (k), the auditor shall base any cost and~~  
9 ~~savings estimations on an evaluation of the seasonal efficiency of~~  
10 ~~the boiler or furnace. Seasonal efficiency shall be based on~~  
11 ~~estimated peak (tuned up) steady state efficiency corrected for~~  
12 ~~eyeling losses. Steady state efficiency shall be derived from~~  
13 ~~manufacturer's design data and observation of the furnace~~  
14 ~~components or, alternatively, by a flue gas analysis of measured~~  
15 ~~flue gas temperature and carbon dioxide content, or by procedures~~  
16 ~~set forth by DOE in "Final Energy Conservation Test Procedures," 43~~  
17 ~~Federal Register, 20126, 20147.~~

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

23 ~~(b) With regard to the replacement of central air~~  
24 ~~conditioners and wall insulation, the auditor may not provide an~~  
25 ~~estimation of its installation cost which reflects the customer's~~

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1 ~~self installation of the measure.~~

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

5 ~~(a) Except as provided by Commission order, all payback~~  
6 ~~computations shall be based on the anticipated percentage change in~~  
7 ~~energy bills as calculated by the utility in compliance with Rule~~  
8 ~~25-17.055(1)(c). The utility shall compute the applicable rate for~~  
9 ~~each succeeding year by January 31st of that year.~~

10 ~~(b) For ceiling insulation, the auditor shall calculate the~~  
11 ~~payback period for at least one increased level of insulation~~  
12 ~~either to or above R.19 or, for residences with resistance heat~~  
13 ~~systems in regions having 1,000 or more heating degree days per~~  
14 ~~year, to or above R 22. Such calculations shall be in increments~~  
15 ~~of R 11. The auditor may calculate payback periods for other~~  
16 ~~levels of insulation if the customer so requests or if the utility~~  
17 ~~believes higher levels would be cost effective. Auditors shall~~  
18 ~~express recommendations in terms of R values and not in inches.~~

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

20 Law Implemented: 366.82, F.S.

21 History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.117,

22 Amended 10/28/82, 5/20/92, formerly 25-17.57, repealed \_\_\_\_\_.

23 25-17.059 Energy Conservation Audit Charges, Disclosures, and  
24 Disclaimers.

25 ~~(1) Charges.~~

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

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

10 ~~(c) The utility may charge for an alternative (walk through)~~  
11 ~~audit. However, any charge imposed by a utility for performance of~~  
12 ~~a walk through audit shall first be filed with the Commission as a~~  
13 ~~part of the utility's tariff. The charge shall not exceed \$5 per~~  
14 ~~audit. The utility shall submit their procedure for conducting a~~  
15 ~~walk through audit to the Commission for approval prior to~~  
16 ~~conducting these audits.~~

17 ~~(2) Disclosures.~~

18 ~~(a) Each energy conservation audit result sheet shall include~~  
19 ~~a statement to the following effect: "The procedures used to make~~  
20 ~~these estimates are consistent with U.S. Department of Energy~~  
21 ~~criteria for residential energy audits and have been or will be~~  
22 ~~evaluated by the department for accuracy. However, the actual~~  
23 ~~installation costs you incur and energy savings you realize from~~  
24 ~~installing these measures may be different from the estimates~~  
25 ~~contained in this audit report. Although the estimates are based~~

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1 on measurements of your house, they are also based on assumptions  
2 which may not be totally correct for your household due to energy  
3 use patterns."

4 ~~(b) The auditor shall provide the eligible customer with a~~  
5 ~~written statement of any interest which the auditor or the utility~~  
6 ~~has directly or indirectly in the sale or installation of any~~  
7 ~~energy conservation measure. However, if the utility supplies,~~  
8 ~~installs or finances the sale of any energy conservation measure,~~  
9 ~~this subsection shall not operate to prohibit the auditor from~~  
10 ~~advising the eligible customer of that fact.~~

11 ~~(c) Upon request of the customer, the auditor shall disclose~~  
12 ~~the results of any prior energy conservation audit of the~~  
13 ~~customer's residence for which records are still available.~~

14 ~~(3) The results of the energy conservation audit shall~~  
15 ~~contain the following or a similar disclaimer: "The utility does~~  
16 ~~not warrant or guarantee the audit findings or recommendations nor~~  
17 ~~is the utility liable as a result of the audit for the acts or~~  
18 ~~omissions of any person who implements or attempts to implement~~  
19 ~~those conservation measures found and recommended as cost effective~~  
20 ~~by the auditor."~~

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

22 Law Implemented: 366.82, F.S.

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

25 25-17.061 Financing and Installation Arrangements.

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

1 ~~(1) General Provisions.~~

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

6 ~~(b) Utilities subject to this rule shall note the~~  
7 ~~availability of these services in the Program Announcement and on~~  
8 ~~the written results of the energy conservation audit.~~

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

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

17 ~~1. Discriminate among eligible customers, suppliers,~~  
18 ~~contractors, conservation measures, or lending~~  
19 ~~institutions;~~

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

22 ~~3. Arrange financing for and/or installation with a~~  
23 ~~contractor who does not appear on the lists promulgated~~  
24 ~~by DACS.~~

25 ~~(e) For the purpose of this subsection, the term "in the~~

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1 | ~~vicinity" refers to the county in which the customer resides~~  
2 | ~~and/or, upon customer request, an adjacent county.~~

3 | ~~(2) Financing Arrangement.~~

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

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

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

16 | ~~(3) Installation Arrangements.~~

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

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

23 | ~~(c) If none of the installers offer the customer a bid and if~~  
24 | ~~the customer requests additional assistance, the utility shall~~  
25 | ~~contact two different installers in the same manner and for the~~

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1 ~~same purpose as detailed in paragraph (b) of this subsection. This~~  
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.

1 25-17.064 Program Work Plans and Reports.

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

17 ~~(a) Auditor training;~~

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

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

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

25 ~~(e) Audit data gathering format;~~

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

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

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

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

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

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

10 ~~(k) Number of four star and five star award certificates~~  
11 ~~is ad during the reporting period;~~

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

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

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

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

20 Law Implemented: 366.82, F.S.

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

22 Amended 10/28/82, 2/22/84, formerly 25-17.64, repealed\_\_\_\_\_.

23 25-17.065 Program Recordkeeping.

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

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

1 ~~(a) The name and address of each customer who receives any~~  
2 ~~audit.~~

3 ~~(b) A record of the data collected during the audit and a~~  
4 ~~record of the estimates of cost and savings presented to the~~  
5 ~~customer.~~

6 ~~(c) A record of all requests by eligible customers for~~  
7 ~~furnace audits.~~

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

11 ~~(e) A record of the rating awarded under the five star rating~~  
12 ~~system.~~

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

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

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struck through type are deletions from existing law.

1 ~~25-17.059(1)(a) in subaccounts within Account 495.~~

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 \_\_\_\_\_.

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960023-EG

RULE TITLE:	RULE NO.:
Energy Audits	25-17.003
Definitions As Used In This Part	25-17.051
Auditors; Minimum Qualifications	25-17.052
Program Announcement	25-17.053
Energy Audit; Offer and Initial Contact	25-17.054
Contracts for Performing Audits	25-17.0545
Performance of the Energy Conservation Audit	25-17.055
The Five-Star Rating System	25-17.0555
Program Inspections	25-17.056
Energy Conservation Audit Results	25-17.057
Energy Conservation Audit Charges, Disclosures, and Disclaimers	25-17.059
Financing and Installation Arrangements	25-17.061
Program Work Plans and Reports	25-17.064
Program Recordkeeping	25-17.065

PURPOSE AND EFFECT: Section 366.82(5), Florida Statutes, requires the Commission to require those utilities that fall under the "Florida Energy Efficiency and Conservation Act" (FEECA) to offer energy audits to residential customers. Rule 25-17.003, Florida Administrative Code, and Part II of Chapter 25-17, Florida Administrative Code, currently set forth the Commission's minimum requirements for energy audits. Many of these rules refer to the now obsolete Federal Residential Conservation Service (RCS) that was mandated by the National Energy Conservation Policy Act of

1978. Since RCS was sunset in 1986, those portions of the audit rules that refer to the federal program have been proposed for repeal. The remaining relevant portions of the rules have been streamlined and consolidated into proposed Rule 25-17.003, which will result in less burdensome regulations over energy audits.

SUMMARY: Rule 25-17.003, Energy Audits. The proposed amendments to this rule set forth the minimum requirements for performing energy audits.

Rule 25-17.051, Definitions as Used in this Part. Those definitions which are still relevant have been moved to proposed Rule 25-17.003(2). The remaining obsolete definitions have been proposed for repeal.

Rule 25-17.052, Auditors, Minimum Qualifications. This rule has been proposed for repeal. An updated version of this rule has been incorporated into proposed Rule 25-17.003(5).

Rule 25-17.053, Program Announcement. Much of this rule relates to the sunset RCS program; therefore, it has been proposed for repeal. The requirement to make program announcements every six months has been moved to proposed Rule 25-17.003(11).

Rule 25-17.054, Energy Audit; Offer and Initial Contact. This rule has been proposed for repeal since much of it relates to the RCS program and the Five-Star Rating System. The relevant portions of the rule have been moved to proposed Rule 25-17.003(3) and (4).

Rule 25-17.0545, Contracts for Performing Audits. This rule has been proposed for repeal and the requirement has been moved to proposed Rule 25-17.003(14).

Rule 25-17.055, Performance of the Energy Conservation Audit. This

rule has been proposed for repeal since much of it refers to the obsolete RCS program, the Department of Energy, and the Five-Star Rating System. The relevant portions have been moved to proposed Rule 25-17.003(6) and (7).

Rule 25-17.0555, The Five-Star Rating System. This rule has been proposed for repeal.

Rule 25-17.056, Program Inspections. This rule has been proposed for repeal since the minimum standards contained in the rule are nearly identical to the now defunct federal program. The less burdensome requirement that 10 percent of installed conservation measures be inspected is part of proposed Rule 25-17.003(10).

Rule 25-17.057, Energy Conservation Audit Results. This obsolete rule has been proposed for repeal. Updated requirements concerning audit results have been moved to proposed Rule 25-17.003(7)(d).

Rule 25-17.059, Energy Conservation Audit Charges, Disclosures, and Disclaimers. This rule has been proposed for repealed. Streamlined requirements concerning charges, disclosures, and disclaimers have been set forth in proposed Rule 25-17.003(4) and (8).

Rule 25-17.061, Financing and Installation Arrangements. This rule has been proposed for repeal. In proposed Rule 25-17.003(9), it is voluntary for utilities to offer installation requirements.

Rule 25-17.064, Program Work Plans and Reports. This rule has been proposed for repeal.

Rule 25-17.065, Program Recordkeeping. This rule has been proposed for repeal since much of it relates to the sunset RCS program. Less burdensome program recordkeeping requirements have been moved

to proposed Rule 25-17.003(13).

RULEMAKING AUTHORITY: 366.05(1), 350.127(2) F.S.

LAW IMPLEMENTED: 366.82(5), 366.82(7), F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., April 11, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

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

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

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

~~(2)(3) Definitions<sub>1+</sub>~~

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

(a) "Class A Audit" means a computer assisted 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.

(b) "Class B Audit" means 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) ~~and~~ "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 ~~cost~~ effective measures ~~that~~ which may improve its energy efficiency.

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

(d) "Conservation Measures" refers to the following examples of replacing, upgrading, or installing equipment which reduce energy usage or peak demand contribution:

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 the following actions performed by a customer which reduce energy usage or peak demand contribution:

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) ~~(d)~~ "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 most effective measures that which may improve its energy efficiency.

(h) "Mail In Audit" means an energy analysis of a residence 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.

(3) Scope.

(a) All utilities are required to offer eligible residential customers Class A and Class B audits which comply with subsections (4) through (14) below. Prior to conducting Class A and Class B audits, procedures for conducting these audits must be approved by the Commission.

(b) 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.

(c) 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 utility may charge an eligible customer for a Class A 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.

(b) Every utility may charge an eligible customer for a Class B 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.

(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 Electric and Gas, 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 Class A 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 Class A 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 Class A 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 less than 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 Class A 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 installations 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 Class A and Class B 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.

~~(4) Each utility shall notify its residential, commercial, and industrial customers of the availability of energy audits at least once every six months. Notification of audit availability, at a minimum, must be made by use of notices in billing statements or other means that involves direct notification to the customer.~~

~~The announcement of the Residential Conservation Audits as required in Chapter 25 17.53(3)(c) can count as one of the biannual notifications for the residential customers.~~

~~(12)(5) For every each customer requesting either a Class A or Class B Audit an Energy Conservation Audit or an Alternative Audit, every each utility shall; provide the requested audit to the customer in accordance with the provisions of Chapter 25 17.51 through 25 17.65, F.A.C.~~

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

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

~~(c) 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~~

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

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

~~(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 and natural gas purchased for every month of both 12 month periods.

(b) Every electric utility shall record the amount collected pursuant to Rule 25-17.003(11)(a) in subaccounts within Account 456. Every gas utility shall record the amount collected pursuant to Rule 25-17.003 (11)(a) 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), F.S.

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

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

25-17.051 Definitions As Used in This Part:

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

Law Implemented: §366.82, F.S.

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

25-17.052 Auditors; Minimum Qualifications.

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

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

History: New 10/28/82, formerly 25-17.52, repealed\_\_\_\_\_.

25-17.053 Program Announcement.

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

Law Implemented: 366.82, F.S.

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

25-17.054 Energy Audit; Offer and Initial Contact.

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

Law Implemented: 366.82, F.S.

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

25-17.0545 Contracts for Performing Audits.

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

Law Implemented: 366.82, F.S.

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

25-17.055 Performance of the Energy Conservation Audit.

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

Law Implemented: 366.82, F.S.

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

25-17.0555 The Five-Star Rating System.

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

Law Implemented: §366.82, F.S.

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

25-17.056 Program Inspections.

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

Law Implemented: 366.82, F.S.

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

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.

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

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

Law Implemented: 366.82, F.S.

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

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.

25-17.064 Program Work Plans and Reports.

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

Law Implemented: 366.82, F.S.

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

25-17.065 Program Recordkeeping.

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

Law Implemented: 366.82, F.S.

History: New 5/4/80, Amended 12/16/80, Transferred from 25-6.124, Amended 10/28/82, 2/22/84, formerly 25-17.65, repealed.

NAME OF PERSON ORIGINATING PROPOSED RULES: Michael Haff, Division

of Electric and Gas.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:  
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: February 6, 1996.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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**STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE**

Section 366.82(5), Florida Statutes, requires the Commission to require those utilities that fall under the "Florida Energy Efficiency and Conservation Act" (FEECA) to offer energy audits to residential customers. Rule 25-17.003, Florida Administrative Code, and Part II of Chapter 25-17, Florida Administrative Code, currently set forth the Commission's minimum requirements for energy audits. Many of these rules refer to the now obsolete Federal Residential Conservation Service (RCS) that was mandated by the National Energy Conservation Policy Act of 1978. Since RCS was sunset in 1986, the Commission has proposed that those portions of the audit rules that refer to the federal program be repealed and the remaining relevant portions of the rules be streamlined and consolidated into proposed Rule 25-17.003. The proposed rules will result in less burdensome regulations over energy audits.

**STATEMENT ON FEDERAL STANDARDS**

There is no federal standard on the same subject.

**STATEMENT OF IMPACT ON SMALL BUSINESS**

The proposed rules should not impact small business.

**STATEMENT THAT THE AGENCY HAS CHOSEN THE REGULATORY ALTERNATIVE  
THAT IMPOSES THE LOWEST NET COST ALTERNATIVE TO SOCIETY**

The Commission has chosen the regulatory alternative that imposes the lowest net cost to society.