



**CEESP Goal 1: WHPA Compliance Online Permitting Working Group
Teleconference Summary Notes
Monday, August 14, 2017
Scheduled for 9:00am – 10:00m PDT**

Call to Order

The Online Permitting Working Group (OPWG) Committee Chair Louis Fuentes (Air Conditioning Guys) called the meeting to order at 9:04 a.m. PDT. The meeting audio was recorded.

Roll Call

WHPA Staff (Wendy Worrell) conducted roll call based on the current WHPA Online Permitting Working Group roster. As no voting panel has been assigned in favor of consensus voting, members are organized by voting eligibility status. The meeting was attended by the following 15 participants (or proxies) with a quorum (8+) of eligible members.

Organization	First Name	Last Name	WHPA Category	Attendance
Voting Eligible				
ACCA (Air Conditioning Contractors of America)	Todd	Washam	Contractor Association	P
Air Conditioning Guys	Louis	Fuentes	Contractor	P (Chair)
CALBO (California Building Officials)	Mark	Meyers	Codes & Standards Official (Association or Jurisdiction)	P
CALBO (California Building Officials)	Bob	Barks	Codes & Standards Official (Association or Jurisdiction)	P
CalCERTS, Inc.	Russ	King	Certifying Body	P
CEC (California Energy Commission)	Judy	Roberson	Government (Other than CPUC)	P
CHEERS	Bob	Johnson	Certifying Body	P
Enalasy	Eric	Taylor	Third Party Quality Assurance Providers	P
EnerGtech Experts	Brent	Locke	Other Stakeholder	P
SCE (Southern California Edison)	Gary	Shushnar	California IOU	P
SDG&E (San Diego Gas & Electric)	Jeremy	Reefe	California IOU	P (38 min)
Guests				
Building Media, Inc.**	Craig	Savage+	Educator, Trainer	P
Charles F Segerstrom Consulting (Consultant to SDG&E)	Charles	Segerstrom	Energy Efficiency Program Consultant	P
WHPA Staff				
CLEAResult	Paul	Kyllo	Other Stakeholder	P (Work Product)
InfoPlast	Wendy	Worrell	Other Stakeholder	P (Host/Scribe)

** Organization is Not a Member of the WHPA; + Individual is NOT Registered with the WHPA; (P) = Member Organization is Pending Approval from the WHPA Executive Committee.

Agenda

The following agenda was distributed to the Working Group by WHPA Staff prior to the meeting.

GENERAL REMINDERS

- Adherence to the WHPA **Code of Conduct** is required.
- Disclose any potential conflicts of interest as it relates to meeting content, particularly prior to any votes that may occur.
- Identify yourself prior to speaking, clarifying the organization on whose behalf you are speaking, or if you are making a personal comment.
- Mute yourself when not speaking. (*6 will take you on and off mute.)

AGENDA ITEMS

- 1) **Roll Call** – WHPA Staff – 5 min
- 2) **Prior Minutes Approval** – Chair – 2 min
 - a) July 10, 2017
- 3) **Notification of Public Meeting on 2014-16 HVAC Permit and Code Compliance Market Assessment (HVAC 6)** – WHPA Staff – 5 min
 - a) Public Meeting: August 18, 2017
 - b) Public Comment Deadline: August 28, 2017
- 4) **Facilitated Draft Survey Results Memo Development** – Chair & WHPA Staff – 45 min
(Development will focus primarily on data interpretation.)
 - a) Contractor Survey



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- b) Jurisdictional Survey
- 5) **Meeting Next Steps Overview** – Chair - 3 min
 - a) Next Meeting: Monday, August 28, 2017 from 9:00am – 10:00am PDT
 - b) Next Agenda (Expected): Continued Contractor and Jurisdictional Survey Results Memo Vetting
(Best Practices Memo finalization is expected after completion of the Survey Memos to enable results incorporation as appropriate and to allow time for further best practices research to more fully address the question of whether statewide HVAC online permitting is feasible in the California market.)
- 6) **Adjournment** by 10:00am PDT – Chair

Prior Minutes Approval

The July 10, 2017 Draft Meetings Notes Summary was emailed to the roster for review prior to the meeting.

Eric Taylor (Enalasy) motioned to approve the July 10, 2017 meeting minutes. Bob Johnson (CHEERS) seconded the motion. Except for Gary Shushnar (SCE) who abstained, all other eligible voting members cast “aye” votes with no further discussion. The motion carried.

ACTION: WHPA Staff to post the final July 10, 2017 Meeting Minutes to the WHPA Online Permitting Working Group’s webpage.

Notification of Public Meeting on [2014-16 HVAC Permit and Code Compliance Market Assessment \(HVAC 6\)](#)

WHPA Staff overviewed the reference document, “HVAC6 Public Meeting and Comment Period Notification 170810”, which was emailed to the roster for review prior to the meeting.

All stakeholders were encouraged to actively engage in the public process for input on the CPUC’s HVAC Permit and Code Compliance Market Assessment (HVAC 6). DNV GL - Energy is hosting a Public Meeting on August 18, 2017 to review the results and clarify methodology used, etcetera. The Public Comment Deadline is August 28, 2017.

Facilitated Draft Survey Results Memo Development

The Draft Contractor Survey Results Memo dated August 11, 2017 and the Draft Jurisdictional Survey Results Memo dated August 11, 2017 were emailed to the roster for review as reference documents prior to the meeting.

The OPWG Chair reported that three rounds of request for input on the above referenced Survey Results Memos have been completed to this point. He opened the meeting for further input, clarifying the hope that this meeting would serve as the last round of input prior to finalization of the referenced Memos.

The parent Compliance Committee Chair, Bob Barks (CALBO), noted that a tremendous amount of time could be spent further analyzing the results at the OPWG level, but that it would probably take longer than makes sense at this point. He suggested additional discussion at the Compliance Committee level for a broader perspective about what both the contractor and the jurisdictional surveys say about compliance beyond just online permitting.

CONTRACTOR SURVEY RESULTS DISCUSSION

Comments specific to the Contractor Survey Results Memo Draft follow:

- Mark Meyers (CALBO) felt the lack of survey response is almost indicative of the lack of contractor compliance. While he does not think the results are inaccurate, he does believe they could be criticized for the small survey size.
 - The Compliance Committee Chair suggested that given the small sample size, the anticipated margin of error could be calculated based on the total population and the number of respondents.
- The OPWG Chair suggested cross referencing the HVAC6 results to this survey. He also noted that “it would be interesting to match where in CA the contractor respondents are”.



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- For inclusion either in the Contractor Survey Results Memo, the Best Practices Memo, and/or the Compliance Committee’s White Paper, the OPWG Chair suggested that the CSLB needs a dedicated person, desk, or division to help contractors understand the requirements they are enforcing. He confirmed with CLSB last week that they do not currently offer that assistance. It will take budget and time, but at least it is a reference to point to for future discussion.
 - Judy Roberson (CEC) appreciated the comments made by the OPWG Chair about CSLB and the potential for supporting contractors in trying to improve code compliance
 - The OPWG Chair noted that OSHA used to offer site visits with time to make corrections for cited violations, but that CLSB does not have “anything like that”.
 - The Compliance Committee Chair supported the above comments, but also reported that CSLB is highly undermanned. He suggested that there should be someone available for every jurisdiction to help provide understanding of what contract law requires and to ensure people are complying with codes and the law. He confirmed that CLSB is not currently able to work out a plan with each jurisdiction throughout the State.

JURISDICTIONAL SURVEY RESULTS DISCUSSION

Comments specific to the Jurisdictional Survey Results Memo Draft follow:

- WHPA Staff noted that some discussion questions were included as margin comments in the updated Memo draft to help spur further analysis of the results and key highlights’ development.
- **Detailed Q2 Prompt:** Does the high percentage of the permit tech response rate affect the results?
 - Mark Meyers (CALBO) suggested that there are “some missing pieces” because of the higher tech response versus building official response.
 - The OPWG Chair suggested that the higher tech response might skew some of the other question results.

ACTION: WHPA Staff to include a statement in the Key Highlights’ section of the Jurisdictional Survey Results Memo to clarify that the majority of the responses received are from the Tech perspective.

- Eric Taylor (Enalays) noted that based on his experience, the whole process of trying to explain a streamlined system to building departments is difficult, and that there is a need to address what would incentivize building departments to adopt a statewide online permitting system.
 - The Chair noted that the survey results suggest the concept of an online permitting system is feasible, but that determining how to bring that message “down the road” is a larger process for others to handle in the future.
- WHPA Staff noted that **Questions, 5, 8, and 12** all relate for consideration of market acceptance feasibility.
 - The OPWG Chair felt the percentage of respondents that were unaware of whether an online permitting system is being installed was a result of the respondent’s lower role in the building department.
 - Based on his experience working in jurisdictions, the Compliance Committee Chair clarified that those who filled out the survey may not have had the needed information to know when/if decisions were being made about online permitting systems. Decisions are typically made by the Board of Supervisors, the Mayor or someone else at the budgetary level who do not talk with those downstream. He reported that is an opportunity to talk with the decision makers to determine interest in the online permitting systems concept, but noted that the questions of “who will pay for it” and “who will help the local people work” need to be answered before a statewide online permitting system can be implemented. “It should make their lives easier and should accomplish the goals that the State is interested in pursuing in the least invasive way possible.”
 - The OPWG Chair confirmed that our task is to get those answers and to get them out to those who need the answers.

OVERARCHING DISCUSSION

General comments about the Memo development process, next steps, and how online permitting relates to the overall compliance issue follow:

- In reply to Eric Taylor’s (Enalays) inquiry about what OPWG members are being asked to do, WHPA Staff clarified that the request is for OPWG stakeholder input to help decipher what the results mean since the Memos should reflect OPWG input/development rather than just WHPA Staff input.



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- The OPWG Chair confirmed that “we are looking for stakeholder input and perspective on the detailed questions.”
- In reply to the OPWG Chair’s request for clarification of the needed next steps, WHPA Staff reported that the OPWG needs to finalize the content in the Memos and approve them with a supermajority of a quorum of eligible voters for escalation to the Compliance Committee for its review, input and decision on whether to escalate the Memos to the Executive Committee or return them to the OPWG for further work.
- Eric Taylor (Enalaysys) noted that when the contractor and jurisdictional survey questions were created, OPWG members provided input. In his opinion, the overall survey results tell him that “we are on the right track” and that the results fit with the studies done by CSE and others to support the need and feasibility for a Statewide online permitting system. As a business owner who has a vested interest in online permitting, he suggested that rather than spending significant time dissecting the results of every question, the Memos be used with the results provided.
 - The OPWG Chair confirmed that “our task is Memo development”.
- Eric Taylor (Enalaysys) commented that the study clarifies the need for direction from the top down, i.e., “if there is something that comes out of this, the CEC needs to make a decision to implement an online permitting system where systems that meet the criteria of the Commission are implemented on a statewide basis. In his opinion, the Commission should be the driving force and give direction to the industry at large to make this happen.”
 - Judy Roberson (CEC) agrees on the importance of the work done and that top down leadership is needed.
- Judy Roberson (CEC) believes the OPWG has done what it can with the surveys, which have provided useful information. She suggested that the limited responses are representative of the apathy in the industry, and noted that the industry needs direction.
 - Mark Meyers (CALBO) confirmed that jurisdictions do care, but noted that there is a “total lack of tools for them to do their job”. There are issues with permitting in general that may still be there even with online permitting. He cautioned that while the OPWG focus is online permitting, we should not lose sight of the bigger picture that jurisdictions do not have what they need for enforcement even if online permitting were a reality.
 - Judy Roberson (CEC) agrees that online permitting is one part of the solution, but noted that while it is necessary, it is not sufficient to solve the bigger problem.
 - Charles Segerstrom (Consultant) does not see jurisdictions as the apathetic ones. He has concern that the low contractor response is indicative of the 10% who do respond and engage in compliance already, noting that the apathy of the majority of contractors is the issue.
 - Mark Meyers (CALBO) agreed, but indicated that the contractor argument that they cannot be competitive if they are compliant may not change with online permitting because the same price point reasons would still be there.
 - Charles Segerstrom (Consultant) suggested that time saved standing in line, etcetera would help contractors save money.
 - Judy Roberson (CEC) reported that based on her experience, something more specific to energy code issues, particularly for the biggest problems on peak power and time critical permits is needed. “There is online permitting as it exists now, and then there is online permitting as the OPWG is trying to specify as a niche. It is an important niche, but one that needs to be more integrated with top down leadership.”
 - The Compliance Committee Chair clarified that online permitting is one of the carrots that might be offered to make permitting and energy documenting easier, but that it is not the overall answer to increased compliance. He suggested that some solutions might be to support jurisdictions that help implement requirements, as well as to involve CSLB and CEC at a higher level so that it is a concerted effort to change several decades of market deterioration that resulted in lack of needed permits being pulled. We have to adapt to the world we are in and help support those are trying to do things correctly.
 - The OPWG Chair agreed with everyone’s perspective. He noted that he has been on the contractor side for 16 years and admitted that his company got in trouble years ago for lack of compliance for things that “fell through the cracks”, which is why he is such an advocate for online permitting and anything that can be done to speed up the process, save money, and improve compliance at this point. Those who are complaint also want to ensure that equipment being installed is being done properly to code and inspected properly to ensure compliance, which will ultimately provide energy savings to the customer. He noted that permit compliance is more expensive for



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the homeowner, but that in the end, it is also more expensive to the contractor who is not compliant due to fines, etcetera once they are caught.

ACTION: Per general consensus agreement, WHPA Staff to work with the Chair to finalize the Survey Results Memos and distribute to the OWPG roster for review prior to the next meeting, at which time the Memos will be voted upon for approval and escalation to the WHPA Compliance Committee.

MEETING NEXT STEPS OVERVIEW

The next Online Permitting Working Group meeting was confirmed for August 28th from 9:00am – 10:00am PDT. The agenda is expected to include review and voting on the finalized Contractor and Jurisdictional Survey Results Memos, as well as final vetting of the Best Practices Memo.

CLOSING COMMENTS/ADJOURNMENT

The Chair reported that since Allison Paul (CHF-CIRB) had to enact her leave from WHPA participation sooner than expected, he handled the action item to follow up with Nancy Kennedy (Energy Cloud) about research she had done on San Francisco’s online permitting system attempt.

Eric Taylor (Enalaysys) motioned and Mark Meyers (CALBO) seconded the motion to adjourn the meeting. The Chair adjourned the meeting at 10:02 am PDT following unanimous approval.

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SUMMARY OF ACTION ITEMS AND KEY DECISIONS (from above)

ACTION ITEMS

1. **ACTION:** WHPA Staff to post the final July 10, 2017 Meeting Minutes to the WHPA Online Permitting Working Group’s webpage. (DONE)
2. **ACTION:** WHPA Staff to include a statement in the Key Highlights’ section of the Jurisdictional Survey Results Memo to clarify that the majority of the responses received are from the Tech perspective. (IN PROCESS)
3. **ACTION:** Per general consensus agreement, WHPA Staff to work with the Chair to finalize the Survey Results Memos and distribute to the OWPG roster for review prior to the next meeting, at which time the Memos will be voted upon for approval and escalation to the WHPA Compliance Committee. (IN PROCESS)

ACTION ITEMS (from Prior Meetings)

4. **ACTION:** WHPA Staff to check with appropriate Staff Leadership about budget possibility for phone call follow-up as a means to increase Contractor and Jurisdictional Survey response rates (IN PROCESS).
5. **ACTION:** WHPA OPWG Members to further research the resources listed in Section 4 of the Best Practices Memo Draft and provide detailed comments for that section plus Section 5 and the Conclusions to WHPA Staff (wendy@performancealliance.org). (IN PROCESS)