

STATE OF CALIFORNIA
GOVERNMENT OPERATIONS AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED APRIL 25, 2014
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: JUNE 9, 2014

Date: June 9, 2014

From: **Mark C. Krause**

Name (Print or type)

(Signature)

Pacific Gas & Electric Company, State Agency Relations

Agency, jurisdiction, chapter, company, association, individual, etc.

1415 L Street, Suite 201 Sacramento, CA 95814
Street City State Zip

We do **not** agree with:

[x] The Agency proposed modifications As Submitted on Section No. 4106.4 and request that this section or reference provision be recommended:

[] Approved [] Disapproved [] Held for Further Study [X] **Approved as Amended**

Suggested Revisions to the Text of the Regulations:
(PG&E suggested changes in red underline or ~~strikeout~~)

Cal Green, Chapter 4, Section 4106.4 Residential Mandatory Measures, Division 4.1 Planning and Design, Section 4.106 Site Development

"4.106.4 Electric Vehicle (EV) charging for new construction. New construction shall comply with Sections 4.106.4.1 and 4.106.2 to facilitate future installation and use of EV charges. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electric Code, Article 625.

Exceptions on a case-by-case basis, where the local enforcing agency has determined EV charging infrastructure are not feasible based on one or more of the following conditions:

1. Where there is no commercial power supply.
2. ~~Imp practicability based on EV range or distances to known public charging facilities.~~
3. Where evidence substantiates that the local utility infrastructure design requirements on the **utility side of the meter** will increase the direct costs to the dwelling unit, by more than \$400 per dwelling. Costs borne by the utility and / or its customers as approved by a California Public Utility Commission rule, tariff or regulation shall not be considered by the local enforcing agency when determining feasibility in this section.

HEALTH & SAFETY CODE SECTION 18930

Reason: PG&E requests that the proposed regulation be ***Approved As Amended*** based on the changes referenced above.

Without the recommended changes, the proposed building standards:

- (1) Overlap with existing California Public Utilities Commission (CPUC) rules and tariffs which provide for a utility-customer-funded cost allowance on a per-dwelling unit basis.
- (2) The proposed regulations are vague and do not make clear which category of direct developer costs shall be counted toward the \$400 exemption.
- (3) The proposed building standard, as written, is within the exclusive jurisdiction of the CPUC as it relates to utility-side-of-the-meter costs..
- (4) The public interest does not require the adoption of the proposed building standards as written; instead, the proposed draft undermines the public interest to facilitate the adoption of new EV infrastructure, improve air quality and reduce statewide greenhouse gas emissions.
- (5) The proposed building standard is unreasonable and arbitrary in part, in that it would potentially allow costs already covered under CPUC tariffs to be counted toward the \$400 exemption. Additionally, the proposed standard is unreasonable and arbitrary because it provides an exemption based upon "Impracticality based on [electric vehicle] range or distances to known public charging facilities" that is so vague and arbitrary that any party might avoid the residential mandatory measure via this provision.
- (6) As mentioned above, the proposed building standard is unnecessarily ambiguous or vague, in whole or in part.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.