



MEMORANDUM

TO: Members of the Electric Utility Commission and Resource Management Commission

FROM: Karl R. Rábago, VP of Distributed Energy Services

DATE: September 14, 2011

SUBJECT: Energy Conservation and Disclosure Ordinance Update on Rules Process

This memorandum provides an update on the development of rules process for administering the Energy Conservation Audit and Disclosure (ECAD) Ordinance.

On April 21, 2011, the Austin City Council approved an amendment to Chapter 6-7 of the Austin City Code relating to energy conservation audit and disclosure requirements for residential, multifamily and commercial facilities. The newly adopted amendments took effect May 2, 2011. Austin Energy has engaged key stakeholders in the development of the administrative requirements and the procedures associated with approved ECAD amendments. Community stakeholder groups have included Austin Tenants Council, Texas ROSE, members of the Austin Apartment Association, professional energy auditing firms, and other energy contractors. Comments received focused on refining wording associated with disclosure of high energy use multifamily properties to tenants and prospective tenants. In addition to high energy use updates, we are also incorporating updates to the administrative rules for residential and commercial facilities. Comments received through July 27th, 2011 from the AAA Legislative Committee concluded the stakeholder input process.

The next step is the posting of the proposed ECAD Administrative Rules for public comment on October 5, 2011. The public review and comment period will follow the City of Austin standard schedule for posting new administrative rules for adopted Code amendments. Our original goal was to post the proposed administrative rules on July 6th for 3rd quarter postings, but due to our efforts to balance the needs of all stakeholders, the rules are ready for inclusion with 4th Quarter posting on October 5th, 2011. Rules posted receive public comments for 30 days before final adoption. After the comment period, the rule adoption notice will address any comments received, and may incorporate changes based on those comments. The adoption date is November 6, 2011, if public input does not require additions to the administrative rules. A maximum of 90 days is allowed before final adoption. Once adopted, the new ECAD administrative rules will be promulgated throughout the community as directed by City Council. Austin Energy will continue to provide regular monthly updates to the City Manager Office on the efforts being made to comply with the adopted new administrative rules for implementing the ECAD ordinance.

Please let me know of any questions you have regarding the process for adopting the new amendments to the ECAD ordinance. I can be reached at (512) 322-6098 or by email at karl.rabago@austinenergy.com.