

IMPLEMENTING PORT CODE ARTICLE 12 – SUMMARY OF THE KEY MILESTONES AND ACTIONS**Summary of Key Milestones**

Key milestones for the implementation of Port Code Article 12 include:

1. December 2015: Adoption of Port Code Article 12 – Required Reporting of Utility Use on Tidelands
2. February 2016: Memorandum of Understanding was filed with the San Diego Port Tenants Association (SDPTA) regarding the retention of the Data Aggregator¹
3. June 2016: Edison Energy selected as the Data Aggregator and agreement signed with Edison Energy²
4. August 2016: Edison Energy became ENERGY STAR Service and Product partner, which enables Utility Account Holders to connect and share data through the Portfolio Manager online tool and comply with the requirements of Port Code Article 12
5. September 1, 2016: Utility Account Holders required to report and share utility usage for calendar year 2015
6. January 2017: Staff prepared a Board memo update on the implementation of Port Code Article 12 and requested additional time to share the Utility Usage Baseline Report for Calendar Year 2015.
7. April 2017: Staff presented an update to the Board on the Utility Usage Baseline Report for Calendar Year 2015.
8. August 1, 2017: Utility Account Holders required to report and share utility usage for calendar year 2016 (extended from the original April 1, 2017 deadline).
9. October 2017: Staff presentation and update to the Board on the Utility Usage Report for Calendar Year 2016. Staff recommended to the Board to adopt an ordinance rescinding San Diego Unified Port District Code Article 12, Required Reporting of Utility Use on Tidelands. No action was taken and the Board requested staff to return with options to amend the Ordinance.
10. February 2018: In order to meet the requirements of AB 802, San Diego Gas & Electric (SDG&E) transitioned the ABS tool to the Benchmarking Data Portal, which triggered non-compliance with utility account holders that previously had accounts synced with ABS and were meeting the requirements of Port Code Article 12.
11. April 2018: Executive Director issues extension of 2017 calendar year reporting until technical issues with SDG&E were resolved and staff could gain additional direction from the Board.

¹ Clerks Document No. 64466 – Memorandum of Understanding between the San Diego Unified Port District and the San Diego Port Tenants Association Regarding Retention of Data Aggregator for Required Reporting of Utility Use on Tidelands

² Clerks Document No. 65277 – Agreement between San Diego Port Tenants Association, and Edison Energy, LLC for Utility Data Aggregator and Related Services Agreement No. 110-2016RH

Additionally, extensive outreach and educational initiatives have been ongoing since January 2016. Attachment B summarizes the initiatives and resources from staff, the SDPTA, the CSE, and Edison Energy.

Actions Update Since October 2017 Staff Report

The following actions were taken since October 2017 to evaluate the options for amending Port Code Article 12:

1. Staff submitted a Privacy GreenLight request with SDG&E to obtain access to additional energy data to tracking annual electric and natural gas usage, as well as energy efficiency reductions by business sectors.³
2. Staff has been working closely with SDG&E to identify opportunities for how the District can obtain data directly from SDG&E. An amendment to the “Agreement to Jointly Deliver the Energy Efficiency Partnership Program between the San Diego Unified Port District and San Diego Gas & Electric Company” (Partnership) by including Non-Disclosure provisions was identified as a mechanism to obtain data directly from SDG&E. With an amendment to the Partnership, the District may obtain utility, however aggregated usage reporting and disclosure may only be done to the maximum extent allowed by the California Public Utilities Commission. This correlates to Option 1 presented below.
3. In addition to overall Utility Account Holder compliance, staff continues tracking implementation progress as the percentage of energy usage reported under Port Code Article 12 compared to the total District-wide energy usage estimate from SDG&E.
4. Staff collected feedback from Utility Account Holders and other stakeholders on the effectiveness of Port Code Article 12. Feedback indicated that the larger users were already tracking usage with more robust platforms and the addition of portfolio manager did not reveal new efficiency opportunities. Some smaller users saw benefits to using Portfolio Manager.
5. Staff continues to engage member cities to understand benchmarking policy developments. A summary of the City of San Diego’s Benchmarking Ordinance is below:

The City of San Diego is considering a local ordinance to allow the city to prepare for the implementation of AB 802, which requires owners of commercial, mixed-used and multifamily buildings larger than 50,000 square feet to report benchmarking metrics to the state starting in 2018. More specifically, the City anticipates that a local ordinance would help building owners by providing the following benefits

- Locally-focused resources to help comply with statewide requirements
- Actionable building energy consumption information
- Enhanced understanding of energy costs when buying or leasing a property
- Opportunity to earn recognition for energy-efficient buildings

³ <https://energydata.sdge.com/showDataRequestLog>

- The City of San Diego is partnering with CSE for stakeholder engagement and outreach. Continued discussions with the City of San Diego are underway to understand how the City ordinance will be implemented.
6. Continued tracking of AB 802 rulemaking (new statewide building energy use benchmarking and public disclosure) and conducted a comparative analysis between the local and state policy (summarized in Item 2018-0271, Attachment B).
 7. Staff has taken the results from the Benchmarking Reports and initiated a Tenant and Subtenant Employee Engagement Program. The Center for Sustainable Energy (CSE) will deploy the Green Employee Engagement Campaign (GEEC) that encourages energy savings through employee education and behavioral change among high energy sectors identified through benchmarking⁴. Actual savings and results from this program will be shared by the end of 2018.

⁴ ENERGY STAR® partners from around the country have demonstrated that energy savings of 10 percent or more is possible through employee education and behavioral change.