

ARTICLE 4. INDIANA COMMERCIAL AND APARTMENT CONSERVATION SERVICE PROGRAM

NOTE: IC 4-4-3 was repealed by P.L.4-2005, SECTION 148, effective February 9, 2005.

NOTE: 16 IAC 4 was transferred from 55 IAC 6. Wherever in any promulgated text there appears a reference to 55 IAC 6, substitute 16 IAC 4.

Rule 1. General Provisions and Definitions

16 IAC 4-1-1 Purpose and scope

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.1. (a) The "Indiana Commercial and Apartment Conservation Service Program State Plan" contains the regulations specific to Indiana for the implementation of the Commercial and Apartment Conservation Program (CACCS program). This program is required by Title VII of the National Energy Conservation Policy Act, Public Law 95-619 (42 U.S.C. 8281-8284), as enacted in Subtitle D of Title V of the Energy Security Act, Public Law 96-294.

(b) The final regulations for the CACCS program (10 CFR Part 458) appeared in the October 26, 1983, "Federal Register," Vol. 48, No. 208. These regulations are hereby incorporated by reference into the state plan as though set forth herein.

(c) In the event that Title VII of the National Energy Conservation Policy Act as enacted in Subtitle D of Title V of the Energy Security Act, or any regulations thereunder, are amended or repealed so as to eliminate the necessity for, or render voluntary, the continuation of the state plan, the lead agency shall take no further action to enforce the provisions of the CACCS state program. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-1-1; filed Jun 3, 1985, 10:35 am: 8 IR 1259; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) *NOTE: Transferred from the Department of Commerce (55 IAC 6-1-1) to the Office of the Lieutenant Governor (16 IAC 4-1-1) by P.L.4-2005, SECTION 150, effective February 9, 2005.*

16 IAC 4-1-2 Definitions

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.2. The following definitions apply to 55 IAC 6: "Apartment Building" means a building which is used for residential occupancy, contains five (5) or more apartments and uses any of the following: a central heating system; a central cooling system; or a central meter for the heating or cooling system.

"Assistant Secretary" means the Assistant Secretary for Conservation and Renewable Energy of the U.S. Department of Energy.

"Audit Announcement" means the offer of an audit which 55 IAC 6 requires a covered utility or covered building heating supplier to provide to each eligible customer.

"Building Heating Supplier" refers to any person engaged in the business of selling No. 2, No. 4, or No. 6 heating oil, kerosene, or propane to eligible customers.

"Commercial and Apartment Conservation Service Program (CACCS program)" means the audit program which 55 IAC 6 requires each covered utility and covered building heating supplier to implement pursuant to an approved state plan, an approved nonregulated utility plan, or a federal standby plan.

"Commercial Building" means a building:

- (1) which is used primarily for carrying out a business (including a nonprofit business) or for carrying out the activities of a state or local government;
- (2) which is not used primarily for the manufacture or production of products, raw materials, or agricultural commodities;
- (3) which is not a federal building;
- (4) for which the average monthly use of energy for the latest twelve (12) month period for which information is readily available, was less than the following:
 - (A) 4,000 kilowatt hours of electricity, unless it is determined that the building exceeds the average monthly fuel prescribed in either (4)(B) or (C);
 - (B) 1,000 therms of natural gas, unless it is determined that the building exceeds the average monthly fuel use prescribed in either (4)(A) or (C); and
 - (C) 100 million Btu of any other fuel, unless it is determined that the commercial building exceeds the average monthly

fuel use prescribed in (4)(A) and (B);

(5) for purposes of determining the consumption limits in (4), all exterior devices which are connected to the same meter as the building may be considered part of the building;

(6) for purpose of 55 IAC 6, "building" means any space which has permanent walls with no openings connecting the space to any adjacent conditioned space, is separately heated and cooled, and has its own meter(s).

"Covered Building Heating Supplier" means a building heating supplier included in a state plan.

"Covered Utility" means in any calendar year a public utility (regulated or nonregulated) which during the second preceding calendar year had either:

(1) sales of natural gas for purposes other than resale which exceeded ten billion cubic feet (10×10^9 cu. ft.) or;

(2) sales of electric energy for purposes other than resale which exceeded 750 million kilowatt-hours (75×10^7 KWH).

"DOE" means the United States Department of Energy.

"Eligible Customer" means any of the following:

(1) with respect to a covered utility, the owner or tenant of a commercial building or the owner (or the owner's agent) of an apartment building to whom the covered utility sells electricity or natural gas, for use in the building and who is the utility customer of record; or

(2) with respect to a building heating supplier, the owner or tenant of a commercial building or the owner (or the owner's agent) of an apartment building to whom the building heating supplier sells No. 2, No. 4, or No. 6 heating oil, kerosene, or propane for use in the building and who is the supplier's customer of record.

"Energy Conserving Operation and Maintenance Procedures" means changes in the operation or maintenance of a commercial building or an apartment building which are designed primarily to reduce energy consumption in the building including those which are defined as follows:

(1) "Air Conditioner Efficiency Maintenance" means periodic cleaning or replacement of air filters and cleaning of coils on forced-air cooling systems.

(2) "Conditioned Space Reduction" means closing off unoccupied areas, and/or reducing the heating and cooling supply to these areas.

(3) "Efficient Use of Shading" means using existing shades, drapes, awnings, and other methods:

(A) to block sunlight from entering a building in the cooling season;

(B) to allow sunlight to enter a building during the heating season; or

(C) to cover windows at night during the heating season.

(4) "Furnace Efficiency Maintenance and Adjustments" means cleaning and combustion efficiency adjustments of gas or oil-fired furnaces (including burners), periodic cleaning or replacement of air filters on forced-air heating systems including heat pumps, lowering the bonnet or plenum fan thermostat to 80° F on a gas or oil fired furnace and turning off the pilot light on a gas furnace during the summer.

(5) "Lighting System Cleaning and Maintenance" means periodic cleaning of lamps and fixtures.

(6) "Plugging Infiltration Leaks" means:

(A) installing scrap insulation or other pliable materials in gaps around pipes, conduits, ducts, or other gaps which connect conditioned with unconditioned spaces; and

(B) adding weatherstripping around areas such as ceiling access doors or basement doors.

(7) "Sealing Leaks in Pipes and Ducts" means applying appropriate sealants to any leak in a heating or cooling duct that is located outside the conditioned space, tightening or plugging any leaking joints in hot water or steam pipes, and replacement of washers in leaking hot water valves.

(8) "Steam Distribution System Maintenance" means the inspection of the visible distribution system for the purpose of detecting steam leaks, ensuring that steam is not entering the condensate system and that condensate return lines return all condensate to the boiler where practical and desirable.

(9) "Temperature Raising in Summer" means raising the thermostat or other temperature control for occupied space to as high a temperature as reasonable during the cooling season. The temperature of space that is not continuously occupied may be allowed to rise further than that of occupied space.

(10) "Temperature Reduction in Winter" means lowering the thermostat or other temperature control for occupied space to as low a temperature as reasonable during the heating season. The temperature of space that is not continuously occupied may be allowed to drop further than that of occupied space.

(11) "Water Flow Reduction in Showers and Faucets" means reducing the hot water flow in showers, faucets, or other

equipment as low as reasonable by the use of any practical or feasible method.

(12) "Water Temperature Reduction" means turning the hot water heater off or manually setting back the heater thermostat temperature to as low a temperature as practical, consistent with the needs for hot water.

"Federal Building" means any building or other structure owned in whole or part by the government of the United States or a federal agency, including any structure occupied by a federal agency under a lease-acquisition agreement under which the United States or a federal agency will receive fee simple title under the terms of the agreement without further negotiations.

"Governor" means the governor or chief executive officer of a state or the governor's designee.

"Lead Agency" means a state agency authorized by law or designated by the governor to develop and submit a state plan.

"NECPA" means the National Energy Conservation Policy Act, Public Law 95-619.

"Nonregulated Utility" means a public utility which is not a regulated utility.

"Program Audit" means an on-site inspection of a commercial building or an apartment building carried out in accordance with the requirements of 55 IAC 6.

"Program Information" means the audit announcement and any information dissemination activities related to the CACS program.

"Program Measures" includes the following items:

(1) "Air Conditioner Replacement" means an air conditioner which replaces an existing air conditioner of the same fuel type and which reduces the amount of fuel consumed due to an increase in efficiency.

(2) "Automatic Energy Control System" means devices and associated equipment which regulate the operation of heating, cooling or ventilating equipment based on time, inside and/or outside temperature or humidity, or utility load management considerations in order to reduce energy demand and/or consumption.

(3) "Caulking" means pliable materials used to reduce the passage of air and moisture by filling small gaps such as around window and door frames, around unsealed glass panes, at fixed joints on a building, underneath baseboards inside a building, at electrical outlets, around pipes and wires entering a building, and around dryer vents and exhaust fans. Caulking includes, but is not limited to, materials commonly known as "sealants", and "putty", and "glazing compounds."

(4) "Energy Recovery Systems" means equipment designed primarily to recover building waste energy from sources such as refrigeration or air conditioning for some useful purpose such as heating water.

(5) "Furnace, or Utility Plant and Distribution System Modifications" means installation of the devices or components which are defined as follows:

(A) "Intermittent Pilot Ignition Device (IID)" means a device which, when installed in a gas-fired furnace or boiler, automatically ignites the pilot or burner and replaces a continuously burning pilot light.

(B) "Flue Opening Modification (vent damper)" means an automatically operated damper installed in a gas-fired or oil-fired furnace or boiler which:

(i) is installed downstream from the draft hood or barometric damper; and

(ii) conserves energy by substantially reducing the flow of heated air through the chimney when the furnace is not in operation.

(C) "Replacement Burner (oil or gas)."

(i) "Replacement Burner (oil)" means a device which atomizes the fuel oil, mixed it with air, and ignites the fuel-air mixture; is an integral part of an oil-fired furnace or boiler (including the combustion chamber); and which, because of its design, achieves a reduction in the oil used from the amount of oil used by the device it replaces.

(ii) "Replacement Burner (gas)" means a device designed for installation in an existing gas-fired boiler which uses a fan and/or control mechanisms to supply and control combustion air to achieve an optimal fuel to air ratio for maximum gas combustion efficiency and which, because of its design, achieves a reduction in the gas used from the amount of gas used by the device which it replaces.

(D) "Replacement Furnace or Boiler" means a furnace or boiler, including a heat pump, which replaces an existing furnace or boiler of the same fuel type and provides reduced fuel consumption due to higher energy efficiency of the heating system.

(E) "Distribution System Modifications" means modifications to an energy distribution system and associated components that increase the energy efficiency, such as:

(i) improved flow control devices;

(ii) improved pipes or duct routing to reduce pressure drop and/or heat losses;

(iii) flow balancing mechanisms; or

- (iv) point of use water heaters of the same fuel type.
- (6) “Ceiling Insulation” refers to a material, primarily designed to resist heat flow, which is installed between the conditioned area of a building and unconditioned space beneath the roof. When the conditioned area of a building extends to the roof the term “ceiling insulation” applies to such material used beneath the roof. Ceiling insulation also includes such material used on the exterior of the roof.
- (7) “Duct Insulation” refers to a material, primarily designed to resist heat flow, which is installed on heating or cooling supply and return ducts in an unconditioned area of a building such as the space above a dropped ceiling.
- (8) “Floor Insulation” refers to a material, primarily designed to resist heat flow, which is installed between the lowest conditioned level of a building and a lower unconditioned level. For a structure with an open crawl space, the term “Floor Insulation” also means skirting to enclose the space between the building and the ground.
- (9) “Pipe Insulation” refers to a material, primarily designed to resist heat flow, which is installed on:
- (A) pipes and fittings carrying hot or cold fluids for space conditioning purposes; or
 - (B) hot water pipes and fittings with continuous recirculating systems.
- (10) “Wall Insulation” refers to a material, primarily designed to resist heat flow, which is installed within or on exterior walls or walls between conditioned and unconditioned areas of a building.
- (11) “Water Heater Insulation” refers to a material, primarily designed to resist heat flow, which is wrapped around the exterior surface of the water heater casing.
- (12) “Lighting Systems Replacement or Modification” means devices and actions which reduce overall lighting energy consumption and/or demand while maintaining satisfactory lighting levels. These devices and actions include:
- (A) Reducing light levels to levels cited in existing applicable guidelines in each are [*sic.*] of the building. This action may include installation of task lighting and reduction of overhead task lighting.
 - (B) Controlling lamp operating time to limit lighting operation to periods of area use. Installation of local manual switching, time control devices and space use sensing devices is included.
 - (C) Replacement of lamps with more efficient sources. These devices and actions may include, but are not limited to, replacement of incandescent and fluorescent lighting with lumen-equivalent low energy lamps, replacement of old fluorescent lighting ballasts with new electronic ballasts, or replacement of any fixture type with one (1) or greater lumens per watt efficiency such that total lighting demand can be reduced.
 - (D) Use of “Daylighting” by automatically switching off electric lights in areas where satisfactory lighting levels can be maintained using either existing windows or skylights in a commercial building or a common area of an apartment building.
- (13) “Passive Solar Space Heating and Cooling Systems” means systems that make the most efficient use of, or enhance the use of natural forces—including solar irradiation, winds, night time coolness, and the opportunity to lose heat by irradiation to the night sky—to heat or cool space by the use of conductive, convective, or radiant energy transfer.
- (A) “Thermosyphon Air System” which means a solar day time heater attached to the south-facing ($\pm 45^\circ$) of true south) wall of a building which operates either through natural convection or through use of a fan or low power to draw air from near the floor, exposes the air to a solar-heated surface, and discharges heated air near the ceiling, and which is able to be closed off from the conditioned area at night and on cloudy days.
 - (B) “Solaria/Sunspace System” which means an enclosed structure of glass, fiberglass, or similar transparent material attached to the south-facing ($\pm 45^\circ$ of true south) wall of a structure which absorbs solar heat and utilized air circulation to bring this heat into the building and which is able to be closed off from the structure at night and on cloudy days.
 - (C) “Window and Door Heat Loss Retardants” refers to those mechanics which significantly reduce winter heat loss through windows by use of external or internal devices such as insulated shades, drapes, movable rigid insulation, awnings, metals or fiberglass solar screening, or heat absorbing films, that cover the windows during the winter both at night and when no appreciable amount of sunlight is entering the window during the day.
 - (D) “Window and Door Heat Gain Retardants” refers to those mechanisms which significantly reduce summer heat gain through windows in the summer by use of devices such as awnings, solar screens, insulated shades, or heat reflective films.
- (14) “Solar Domestic Hot Water Systems” means equipment designed to absorb the sun's energy and to use this energy to heat water for use in a structure other than for space heating, including solar thermosyphon hot water heaters.
- (15) “Solar Replacement Swimming Pool Heater” means a device which is used solely for the purpose of using the sun's energy to heat swimming pool water and which replaces a swimming pool heater using electricity, gas or other fossil fuel.

(16) "Weatherstripping" means narrow strips of material placed over or in movable joints or windows and doors to reduce the passage of air and moisture.

(17) "Window and Door System Modification" include the measures defined as follows:

(A) "Storm Window" means a window or glazing material placed outside or inside a prime window, creating an insulating airspace, to provide greater resistance to heat flow than the prime window alone.

(B) "Thermal Window" means a window unit with improved thermal performance through the use of two (2) or more sheets of glazing materials affixed to a window frame to create one (1) or more insulating airspaces. It may also have an insulating frame and sash.

(C) "Storm or Thermal Door" means:

(i) a second door, installed outside or inside a prime door, creating an insulating airspace;

(ii) a door with enhanced resistance to heat flow through the glass area, constructed by affixing two (2) or more sheets of glazing material;

(iii) a prime exterior door with an R-value of at least 2; or

(iv) a door that is designed to minimize air exchange during operation, including revolving doors, and double doors with a foyer.

"Public Utility" means any person, state agency, or federal agency which is engaged in the business of selling natural gas or electric energy, or both, for use in commercial buildings or apartment buildings.

"Rate" means any price, rate, charge, or classification made, demanded, observed, or received with respect to sales of electric energy or natural gas, any rule, regulations, or practice respecting any rate, charge or classification, and any contract pertaining to the sales of electric energy or natural gas.

"Rate Making Authority" means authority to fix, modify, approve, or disapprove rates.

"Regulated Utility" means a public utility with respect to whose rates a state regulatory authority has rate making authority.

"Secretary" means the secretary of energy.

"State" means a state, the District of Columbia, and Puerto Rico.

"State Agency" means a state, a political subdivision thereof, or any agency or instrumentality of either.

"State Plan" means a plan developed pursuant to the federal guidelines.

"State Regulatory Authority" means any state agency which has rate making authority with respect to the sales of electric energy or natural gas by any public utility. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-1-2; filed Jun 3, 1985, 10:35 am; 8 IR 1259; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-1-2) to the Office of the Lieutenant Governor (16 IAC 4-1-2) by P.L.4-2005, SECTION 150, effective February 9, 2005.

Rule 2. Program Guidelines

16 IAC 4-2-1 Covered utilities

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.1. (a) In Indiana there are eight (8) utilities which presently meet the definition of a "covered utility" and consequently must participate in the CACS program. These utilities include:

Citizens Gas & Coke Utility
2020 N. Meridian Street
Indianapolis, IN 46202

Indiana Gas Company
1630 N. Meridian Street
Indianapolis, IN 46202

Indiana & Michigan Electric Company
125 E. Washington Street
P.O. Box 60
Fort Wayne, IN 46802

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Indianapolis Power & Light Company
P.O. Box 1595B
Indianapolis, IN 46206

Northern Indiana Public Service Company
5265 Hohman Avenue
Hammond, IN 46320

Public Service Company of Indiana, Inc.
1000 East Main Street
Plainfield, IN 46168

Southern Indiana Gas & Electric Company
P.O. Box 569
Evansville, IN 47741

Terre Haute Gas Corporation
632 Cherry Street
Terre Haute, IN 47808

(b) There are no nonregulated utilities in Indiana which meet the definition of a covered utility and are participating in the program.

There are also no building heating suppliers presently covered under the state plan. However, the Lead Agency continually encourages involvement of the various building heating suppliers, the nonregulated utilities and non-covered utilities. These energy suppliers have been informed that they may enter the program at anytime. Plan amendments will be made in accordance with the appropriate rules and regulations subparts should the building heating suppliers or non-covered utilities voluntarily or through executive order become subject to the plan. *(Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-1; filed Jun 3, 1985, 10:35 am; 8 IR 1263; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-1) to the Office of the Lieutenant Governor (16 IAC 4-2-1) by P.L.4-2005, SECTION 150, effective February 9, 2005.*

16 IAC 4-2-2 Implementation and monitoring of state plan

Authority: IC 4-4-3-21

Affected: IC 8-1-12; IC 8-1-13

Sec.2. (a) Each CACS participant as identified in 55 IAC 6-2-1(a) must comply with the state plan.

(b) Neither the department of commerce, division of energy policy nor the public service commission has direct authority to order the utilities to implement the CACS program and enforce the provisions of the state plan. Consequently, the division of energy policy is relying on voluntary compliance with this plan on the part of the covered utilities. Compliance letters of agreement shall be provided to the department of commerce, division of energy policy by the covered utilities. The Lead Agency will forward copies of these letters to the U.S. Department of Energy.

(c) The Lead Agency will monitor the CACS program implementation through a variety of methods including conducting quarterly meetings with the covered utilities, obtaining weekly status reports as to the number of audits requested and performed, investigating any program complaints, and randomly participating in the audit process. Compliance violations will be resolved with the appropriate utility and, if necessary, reported to the public service commission, the state's attorney general's office, and the U.S. Department of Energy.

(d) The Indiana public service commission (PSC) is responsible for the monitoring and enforcement of program accounting and payment of cost considerations. The PSC authority to perform this role is the PSC Act of 1941, IC 8-1-11 [*Repealed by P.L.28-1975, SECTION 1.*] through IC 8-1-13. *(Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-2; filed Jun 3, 1985, 10:35 am; 8 IR 1264; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-2) to the Office of the Lieutenant Governor (16 IAC 4-2-2) by P.L.4-2005, SECTION 150, effective February 9, 2005.*

16 IAC 4-2-3 Program announcement

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.3. (a) Each covered utility shall offer a CACS program audit to each eligible customer no later than twelve (12) months after the approval by DOE of the state plan and every two (2) years thereafter until January 1, 1990. Customers who have requested and received a CACS audit do not have to be sent a subsequent announcement.

(b) The program announcement shall include the following information:

(1) A general overview of the CACS program.

(2) A list of program measures, as identified in the state plan, for the category of buildings owned or occupied by the eligible customer.

(3) A state-provided estimate expressed in percentages of the approximate first year savings, or range of savings, which could result from the installation of each measure.

(4) A list of operation and maintenance procedures, as identified in the state plan, which are designed to reduce energy consumption in the building.

(5) A state-provided estimate expressed in percentages of the approximate first year savings, or range of savings, which could result from the adoption of the procedures. Calculations can be provided for each procedure individually or collectively.

(6) A description of the services offered.

(7) An explanation of how the eligible customer may request a program audit.

(8) A description as to when the customer will receive the audit based upon such factors as serving one (1) geographic area at a time or serving certain types of energy users first. If the audit is not conditioned on such factors, a statement outlining that the audit will be provided within a reasonable time period, convenient to the customer and the utility, should be included in the announcement.

(9) A general statement issued by the Indiana department of commerce/division of energy policy explaining any federal and Indiana tax credits and deductions as related to the program measures and type of building.

(10) The direct cost of the program audit to the customer by type of building.

(11) An explanation that a subsequent customer may obtain upon request a copy of the audit report free of charge, provided that the building has been previously audited.

(c) The offer of a program audit may be conditioned upon nondiscriminatory and reasonable factors such as serving one (1) geographic area at a time or serving certain types of energy users first. Each covered utility shall submit to the Lead Agency for approval prior to program announcement, a proposed schedule for distribution of audit announcements and for responding to audit requests.

(d) The CACS program announcement shall not include advertising for the sale, installation, or financing of any energy conserving product. However, a utility may state in general terms the existence of any financing program for the sale or installation of measures. Also information regarding any products which are not program measures or operation and maintenance procedures as defined in the state plan, shall not be included in the audit announcement.

(e) Each participating utility is required to forward to the Lead Agency, a draft version of the program announcement prior to its intended use. The Lead Agency is responsible for suggesting changes and approving the announcement prior to release.

(f) The covered utilities shall coordinate their initial announcement and all subsequent versions with any covered utility(ies) that also provide service to the same customers.

(g) Utilities are prohibited from unfairly discriminating among measures, operation and maintenance procedures, eligible customers, consulting companies, and contractors in the providing of, and in the content of, information concerning the CACS program announcement and its distribution. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-3; filed Jun 3, 1985, 10:35 am; 8 IR 1264; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: *Transferred from the Department of Commerce (55 IAC 6-2-3) to the Office of the Lieutenant Governor (16 IAC 4-2-3) by P.L.4-2005, SECTION 150, effective February 9, 2005.*

16 IAC 4-2-4 Program audits

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.4. (a) Each covered utility shall provide a program audit to each eligible customer within a reasonable time after the

request for an audit. Allowances will be made for special circumstances such as difficulty in contacting a customer or determining a convenient audit time.

(b) The covered utilities may condition their audits based upon such factors as serving one (1) geographic area at a time or serving certain type of energy users first. Utilities which decide to condition their audits must provide the Lead Agency with a description of the basis for conditioning and the annual audit schedule.

(c) Each covered utility will use the conversion factors listed in (c)(1)–(5) in determining the eligibility of a commercial building for a program audit on the basis of the on-site consumption of less than 100 million Btu of a fuel other than electricity or natural gas:

(1) Coal: 24.5 million Btu/short ton.

(2) Distillate fuel oil: 138,690 Btu/gallon.

(3) Liquified [*sic.*] propane gas: 91,500 Btu/gallon. The 91,500 average figure was obtained from the Air Conditioning Contractors of America and the American Gas Association.

(4) Purchased steam: 1160 Btu/pound. This figure was derived from the steam department of the only covered utility which sells the product.

(5) Residual fuel oil: 149,690 Btu/gallon.

(d) The participating utilities serving the same customer base shall coordinate their efforts in determining the eligibility of customers under the CACS program. The utilities may freely exchange applicable audit records, usage records, profile costs for similar buildings where past usage information is not established, and other pertinent information.

(e) Each eligible apartment building customer must certify as a condition for receiving a program audit, that the customer agrees to supply tenants in a timely manner after receipt of the audit, information developed by the audit relating to operation and maintenance procedures and program measures which are applicable to an individual apartment. The covered utilities shall provide to the apartment building customer, brochures, pamphlets, or reports which can be directly distributed to the apartment building residences. The materials must include information on the following items:

(1) conditioned space reduction;

(2) efficient use of shading;

(3) plugging infiltration leaks;

(4) temperature raising in summer;

(5) temperature reduction in winter;

(6) water flow reduction in showers and faucets;

(7) water heater temperature reduction;

(8) energy use reduction when the unit is unoccupied.

(f) Each utility participating in the state plan shall provide, upon request, to each eligible customer an on-site program audit which includes, or is conducted in accordance with, the following:

(1) A discussion of the applicable operation and maintenance procedures, emphasizing their importance individually and collectively. The approved procedures for Indiana are:

(A) air conditioner efficiency maintenance;

(B) conditioned space reduction;

(C) efficient use of shading;

(D) furnace efficiency maintenance and adjustments;

(E) lighting system cleaning and maintenance;

(F) plugging infiltration leaks;

(G) sealing leaks in pipes and ducts;

(H) steam distribution system maintenance;

(I) temperature raising in summer;

(J) temperature reduction in winter;

(K) water flow reduction in showers and faucets;

(L) water temperature reduction;

(2) An energy analysis of the building which considers the following approved measures:

(A) air conditioner replacement;

(B) automatic energy control system;

(C) caulking;

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- (D) furnace, or utility plant and distribution system modifications;
 - (i) intermittent pilot ignition device;
 - (ii) flue opening modification (vent damper);
 - (iii) replacement burner (oil or gas);
 - (iv) replacement furnace or boiler;
 - (v) distribution system modifications;
- (E) ceiling insulation;
- (F) duct insulation;
- (G) floor insulation;
- (H) pipe insulation;
- (I) wall insulation;
- (J) water heater insulation;
- (K) lighting systems replacement or modifications;
- (L) passive solar space heating and cooling systems;
 - (i) thermosyphon air system;
 - (ii) solaria/sunspace system;
 - (iii) window and door heat loss retardants;
 - (iv) window and door heat gain retardants;
- (M) solar domestic hot water systems;
- (N) solar replacement swimming pool heater;
- (O) weatherstripping;
- (P) window and door system modifications;
 - (i) storm window;
 - (ii) thermal window;
 - (iii) storm or thermal door.

(g) The auditor shall determine the applicability of each program measure in the building based upon the applicability factors list in 55 IAC 6-3, Program Measure Applicability Criteria. If a given applicability factor is not met, the auditor need not address the program measure.

(h) Auditors are prohibited from recommending or estimating costs and savings for any measure or procedure which is not approved per listing in the state plan.

(i) Reserved. The audit methodologies to be employed by the utilities will be described in this subsection after the commercial vendor selection process is completed.

(j) Reserved. The method of obtaining the audits results will be described after the commercial vendor selection process is completed.

(k) The audit procedures employed by the selected contractors will be reviewed for completeness; and validated to ensure accuracy and consistency of the audit results conducted within the state. This process will be the responsibility of a technical advisory committee consisting of qualified representatives of the covered utilities and chaired by the Indiana department of commerce, division of energy policy.

(l) The committee members will compare the calculations used to obtain the audit results to the following standards references:

TABLE OF STANDARDS

NUMBER	TITLE
ANSI:	
ANSI/AAMA 1002.9-1977	“Voluntary Specification for Aluminum Combination Storm Windows for External Applications.”
ANSI/AAMA 1102.7-1977	“Voluntary Specifications for Aluminum Storm Doors”
ANSI/ASTM B 152-79	“Standard Specification for Cooper Sheet, Strip, Plate, and Rolled Bar”
ANSI/ASTM B 446-75	“Standard Specification for Nickel-Chromium-Molybdenum-Columbium Alloy (UNSO6625) Rod and Bar”
ANSI/ASTM D 2156-65 (1975)	“ANSI Standard Method of Tests for Smoke Density in the Flue Gases from Distillate Fuels”
ANSI Z21.13-1977	“Gas-fired Low Pressure Steam and Hot Water Heating Boilers”

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ANSI Z21.20-1975	“ANSI Standard for Automatic Gas Ignition Systems and Components”
ANSI Z21.47-1978	“ANSI Standard for Gas-fired Central Furnaces
ANSI Z21.59-1974	“Gas-fired High Pressure Steam and Hot Water Heating Boilers”
ANSI Z21.66-1977	“ANSI Standard for Electrically-Operated Automatic Vent Damper Devices for Use with Gas-fired Appliances”
ANSI Z21.67-1978	“ANSI Standards for Mechanically-Actuated Automatic Vent Damper Devices for Use with Gas-fired Appliances”
ANSI Z21.68-1978	“ANSI Standard for Thermally-Actuated Automatic Vent Damper Devices for Use with Gas-fired Appliances”
ANSI Z91.2-1976	“Performance Requirements for Automatic Pressure Oil Burners of the Mechanical Draft Type”
ANSI Z96.1-1978/UL727	“Oil-fired Central Furnaces”
ANSI Z96.2-1974/UL296	“Oil Burners”
ANSI Z96.3-1975/UL726	“Oil-fired Boiler Assemblies”
ANSI Z223.1-1974	“Installation of Gas Piping and Gas Equipment on Non-industrial Premises”
ANSI/NWMA I.S. 2-73	“Industry Standard for Wood Windows”
ANSI/NWMA I.S. 5-73	“Ponderosa Pine Doors”
ASTM	
ASTM C-177-76	“Standard Test Method for Steady State Thermal Transmission Properties by Means of the Guarded Hot Plate”
ASTM C-236-66 (Reapproved 1971)	“Standard Test Method for Thermal Conductance and Transmittance of Built-up Sections by Means of the Guarded Hot Box”
ASTM C-516	“Standard Specification for Vermiculite Loose Fill”
ASTM C-518-76	“Standard Test Method for Steady State Thermal Transmission Properties by the Means of Heat Flow Meter”
HH-I-524 B	“Insulation Board, Thermal (Polystyrene)”
HH-I-530 A	“Insulation Board, Thermal (Polyurethane and Polyisocyanurate)”
HH-I-558 B	“Insulation Blocks, Boards, Blankets, Felts, Sleeving, and Pipe Fitting Coverings”
HH-I-573 B	“Organic Cellular Flexible Unicellular Pipe Covering”
HH-I-574 B	“Insulation, Thermal (Perlite)”
HH-I-585 C	“Insulation, Thermal (Vermiculite)”
HH-I-1030 A	“Insulation, Thermal (Mineral Fiber for Pneumatic or Poured Application)”
HH-I-1252 B	“Insulation, Thermal Reflective (Aluminum Foil)”
TT-S-001543 A	“Sealing Compound, Silicone Rubber Base (for Caulking, Sealing, and Glazing in Buildings and Other Structures)”
TT-S-00227 E	“Sealing Compound, Elastomeric Type, Multi-Component (for Caulking, Sealing, and Glazing in Buildings and Other Structures)”
TT-S-001657	“Sealing Compound, Single Component Butyl Rubber Base, Solvent Release Type (for Buildings and Other Types of Construction)”
TT-S-00230 C	“Sealing Compound, Elastomeric Type, Single-Component (for Caulking, Sealing and Glazing in Buildings, and Other Structures)”
TT-C-00598 C	“Caulking Compound, Oil and Resin Type (for Building Construction)”
TT-P-00791 B	“Putty Linseed-oil Type (for Wood-Sash Glazing)”
FHDA: FHDA 6-77	“Industry Standard for Douglas Fir, Western Hemlock, and Sitka Spruce Doors and Blinds”
HUD: HUD Intermediate	
MPS Supplement 4930.2	“Solar Heating and Domestic Hot Water Systems”
NBS: NBS/PS 26-70	“Rigid Polyvinyl-chloride Profile Extrusions”
NFPA: NFPA-31	“Standard for the Installation of Oil Burning Equipment”
NFPA-54	“National Fuel Gas Code”

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NFPA-70-1978	“National Electric Code”
NFPA-211	“Standard for Chimneys, Fireplaces, and Vents”
Sandia Laboratories Report	
SAND 77-1375	“Performance Evaluation of Wind Energy Conversion Systems Using the Method of Bins”
UL: UL 599	“Standard for Heat Pumps”
ASTM C-520	“Standard Method for Density of Granular Loose-fill Insulation”
ASTM C-570-72	“Specification for Oil and Resin Based Caulking Compound for Building Construction”
ASTM C-578	“Standard Specification for Preformed, Block-Type Cellular Polystyrene Thermal Insulation”
ASTM C-755-73	“Standard Recommended Practice for Selection for Vapor Barriers for Thermal Insulation”
ASTM C-790-74	“Standard Recommended Practices for Use of Latext Sealing Compounds”
ASTM C-792-75	“Standard Test Method for Effects of Heat Aging on Weight Loss, Cracking, and Chalking of Elastomeric Sealants”
ASTM C-797-75	“Standard Recommended Practices and Terminology for Use of Oil- and Resin-Based Putty and Glazing Compounds”
ASTM C-804-75	“Standard Recommended Practices for Use of Solvent Release Type Sealants”
ASTM C-834-76	“Specification for Latex Sealing Compounds”
ASTM D-257-78	“Test for DC Resistance or Conductance of Insulating Materials”
ASTM C-1622-63 (Reapproved 1975)	“Standard Method of Test for Apparent Density of Rigid Cellular Plastics”
ASTM E-84	“Standard Test Method For Surface Burning Characteristics of Building Materials”
ASTM E-96	“Standard Test Method for Water Vapor Transmission of Materials in Sheet Form”
ASTM E-119-76	“Standard Methods of Fire Tests of Building Construction and Materials”
ASTM E-136-79	“Test for Non-Combustibility of Elementary Materials”
ASTM E-283-73	“Standard Test Method for Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors”
ASTM E-576-76	“Standard Test Method for Dew/Frost Point of Sealed Insulating Glass Units in Vertical Position”
ASTM G-1-72	“Standard Recommended Practice for Preparing, Cleaning, and Evaluating Corrosion Test Specimens”
BPCA: BOCA Research Report No. 72-23	
EPA: EPA Report No. 600/2- 75-069a	“Guidelines for Residential Oil Burner Adjustments”
Federal Specifications:	
HH-I-515 D	“Insulation, Thermal (loose-fill for Pneumatic or Poured Application): Cellulosic or Wood Fiber”

Illuminating Engineering Society Standards

(m) In the event that calculations do not exist in standard reference, the committee will review the calculations for accuracy as well as all assumptions used in the cost/savings calculations to determine appropriateness and reasonableness.

(n) Covered utilities are prohibited from discriminating unfairly among eligible customers in providing program audits.

(o) Unfair discrimination among program measures in conjunction with the Indiana CACS program is prohibited. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-4; filed Jun 3, 1985, 10:35 am: 8 IR 1265; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-4) to the Office of the Lieutenant Governor (16 IAC 4-2-4) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-5 Results of audit

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.5. (a) The covered utilities shall provide to each eligible customer who receives a program audit the following information:

(1) A report of the type, quantity, and rate of energy consumption of the audited building.

(2) Identification and explanation of the applicable energy conserving operation and maintenance procedures defined in 55 IAC 6-2-4(f)(1) which would be appropriate for the building, as well as an indication of the energy savings to result from the application of these procedures.

(3) A report on the need, if any, for the combined purchase and installation costs of all applicable program measures defined in 55 IAC 6-2-4(f)(2). This report shall include information on:

(A) The approximate combined cost, expressed in dollars or range of dollars, of purchasing and installing the program measures. The Lead Agency will provide the utilities with cost estimates for each measure for the four (4) HUD regions located within the state. This information will be obtained through surveys of local suppliers, contractors, and trade associations.

(B) An estimate of the energy savings, expressed in dollars or a range of dollars, which could accrue during the first year after installation of each applicable measure. Estimates do not have to be provided for caulking and weatherstripping.

The customer shall be advised in writing, that the cumulative effect of installing multiple measures may be less than the sum of each measure installed individually. The following disclosure statement shall be contained in the written audit report.

“The procedures used to make these estimates have been evaluated by the state of Indiana, Indiana department of commerce, division of energy policy for accuracy. However, the actual installation costs incurred, and possible energy savings resulting from the installation of any measure, may be different from the estimates provided by your auditor. Although the estimates are based on measurements of your building, they are also based on certain assumptions which may not apply in your situation. Further, the total energy cost savings from the installation of several measures will be less than the total savings estimated for each measure installed individually.”

(C) The simple payback for all recommended program measures except caulking and weatherstripping wherever feasible.

(D) An explanation of how to find more specific information on the purchase, financing and installation of program measures and information on other commercially available audit services. As a minimum, the auditor can fulfill this requirement by referring the customer to the appropriate section in the telephone yellow pages or to the type of commercial businesses that could perform the specific installation or audit services. Additionally, auditors should note the availability of energy service companies which provide a shared savings approach to conservation services or financing, if there are any located in the area.

Auditors shall not recommend any supplier, contractor, or lender who supplies, installs, or finances the sale or installation of any energy conserving product.

(b) In the event that the audit results are not presented at the conclusion of the audit, the auditor will show the customer a typical audit format and discuss how to interpret the actual measures and procedure calculations when received. If the auditor performs the calculations other than on-site, the results must be returned to the customer in-person or by mail within ten (10) working days following the date of the audit. Utilities which do not provide the results of the audit in person are required to inform the customer of the opportunity to discuss the results of the audit with a qualified utility employee or utility contractee. As a minimum, the auditor shall provide a telephone number which the customer can call to discuss the results. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-5; filed Jun 3, 1985, 10:35 am: 8 IR 1269; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*)
NOTE: Transferred from the Department of Commerce (55 IAC 6-2-5) to the Office of the Lieutenant Governor (16 IAC 4-2-5) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-6 Duplicate audits

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.6. (a) Covered utilities are not required to conduct a CACS program audit of any commercial or apartment building which was audited previously pursuant to this plan. An exception to the above could occur if a subsequent customer requested a new audit rather than receiving a copy of the report from the previous audit, or the use of the building changed warranting a new audit.

(b) Utilities are not required to conduct a program audit of any building which received an energy audit under the grant programs for schools and hospitals and buildings owned by units of local government and public care institutions. The Lead Agency will provide the utilities a list of the schools and hospitals which have received an energy audit since the inception of the program in 1979.

This list will be updated on a periodic basis and distributed to the participating entities.

(c) Utilities are encouraged to coordinate their efforts to avoid duplication of audits. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-6; filed Jun 3, 1985, 10:35 am: 8 IR 1270; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*)
NOTE: Transferred from the Department of Commerce (55 IAC 6-2-6) to the Office of the Lieutenant Governor (16 IAC 4-2-6) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-7 Auditor qualifications

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.7. (a) Each person who performs a CACS program audit shall possess the following qualifications:

(1) A general understanding of commercial and apartment building construction, particularly a knowledge of the heating and cooling systems, heat transfer and related environmental effects, the different types and applications of program measures and any relevant state installation standards.

(2) The capability to conduct the audit including:

(A) a familiarity with the program operation and maintenance procedures;

(B) the capability to determine the applicability of the program measures;

(C) a proficiency in pertinent auditing procedures for each applicable program measure;

(D) a working ability to calculate or determine the steady state efficiency of a furnace or boiler;

(E) a general knowledge of pneumatic, electrical and hydronic control systems and their applicability to automatic energy control systems;

(F) an understanding of the inter-relationship between the various loads in the eligible building population including the ability to anticipate the corresponding effect on one load of changes to the other;

(G) a general knowledge of lamps and lighting systems used in commercial and multi-family buildings;

(H) a general knowledge of the functions and operating characteristics of steam systems in commercial and apartment buildings, as well as the various types and symptoms of steam system failure; and

(I) an understanding of automatic energy control systems and the relationships among the occupants, the structure and the mechanical and lighting systems (energized systems).

(3) A general knowledge of the nature of solar energy and its applications.

(4) A general knowledge of utility rates.

(b) A determination as to whether an individual is qualified will be based on the results of a state-administered test designed to evaluate the potential auditor's knowledge of (1)–(4) above.

(c) The auditor's test is available to all persons in a non-discriminatory manner. However, individuals who are not employed by, or are not under a CACS program contractual employment relationship with a covered utility, will receive a restricted license. Such an individual cannot perform a sanctioned CACS program audit. An unrestricted license will be issued if the auditor becomes employed by a utility, or a utility's subgrantee, within one (1) year of the original test date. An auditor candidate may take the exam three (3) times in any consecutive thirty (30) day period. Further testing iterations must be approved by the Lead Agency. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-7; filed Jun 3, 1985, 10:35 am: 8 IR 1270; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) *NOTE: Transferred from the Department of Commerce (55 IAC 6-2-7) to the Office of the Lieutenant Governor (16 IAC 4-2-7) by P.L.4-2005, SECTION 150, effective February 9, 2005.*

16 IAC 4-2-8 Subsequent customers

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.8. (a) Each covered utility shall retain in its files, for not less than ten (10) years from the date of the program audit, a report of each program audit performed pursuant to the CACS program.

(b) A covered utility shall make available to any customer who would be an eligible customer except for the fact that the building had previously been audited under the CACS program, a copy of the program audit report.

(c) A covered utility may perform a new audit of a building which was previously audited under the CACS program instead of providing the report described in subsection (b) if the customer requests a new audit after being informed of the cost of the audit and the availability of the previous audit report.

(d) The public service commission of Indiana concurs that the covered utilities may perform new audits of buildings previously audited under the CACS program at current audit costs. The commission's decision was based upon such factors as customer confidentiality problems, lack of relevance of out-dated audit information, and change of building use.

(e) Each covered utility shall inform each subsequent customer of the availability of a report of a previous audit. The utility may use the audit announcement procedures to fulfill this requirement. There shall be no direct cost to the subsequent customer for obtaining a copy of the report. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-8; filed Jun 3, 1985, 10:35 am: 8 IR 1271; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-8) to the Office of the Lieutenant Governor (16 IAC 4-2-8) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-9 Accounting and payment of cost

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.9. (a) Reserved. The accounting and payment of cost procedures will be incorporated per the adoption and promulgation by the public service commission of Indiana of Cause No. 37425 concerning accounting and record keeping practices. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-9; filed Jun 3, 1985, 10:35 am: 8 IR 1271; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-9) to the Office of the Lieutenant Governor (16 IAC 4-2-9) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-10 Customer billing

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.10. (a) Customer billing for CACS program fees shall be conducted in the following manner:

(1) Every charge by a covered utility to an eligible customer for any portion of the costs of carrying out a program audit pursuant to this plan, that is charged to the customer for whom the program audit is performed, shall be stated separately on the billing from the cost of providing utility service. At the option of the utility, CACS program charges can be reflected on the monthly statement or on an entirely separate billing.

(2) The customer's payment of any CACS program charges may be included with the payment for service and fuel. Utilities which receive a payment which includes payment for both utility service and CACS program costs shall first credit repayment for utility service with the balance credited to the CACS program charges. Exceptions will be made if the customer requests an alternate distribution of payment in writing.

(*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-10; filed Jun 3, 1985, 10:35 am: 8 IR 1271; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-10) to the Office of the Lieutenant Governor (16 IAC 4-2-10) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-11 Coordination of plan with local, state, and federal conservation programs

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.11. (a) The Lead Agency shall be responsible for coordinating the Indiana CACS program plan with local, state, and federal conservation programs. This coordination effort will be enhanced by the fact that the Lead Agency, the Indiana department of commerce, division of energy policy, is also the state agency responsible for the administration of the majority of conservation programs conducted within the state. The program manager and staff will be informed no less than quarterly of the status and direction of the Indiana CACS program. Ongoing discussions concerning the interfacing of the CACS program and the multitude of conservation programs directed by the state will also occur. The programs administered by the Lead Agency include:

Indiana Energy Information Center
Residential Conservation Service Program
Energy Conservation Financial Assistance Program
Residential Energy Management Program
Community Outreach Program

Energy Education in Schools
Schools and Hospital Grant Program
Energy Extension Service Program

(b) Covered utilities and other interested organizations such as the Citizen's Action Coalition, the Apartment Association, the Public Service Commission of Indiana, and the Building Owners and Managers Association will continue to be advised and asked for their contributions, if any, at quarterly advisory committee meetings. This committee was initiated in December of 1983 and will continue their responsibilities throughout the existence of the CACS program.

(c) The state public service commission will be advised of any subsequent amendments to the plan or regulation changes which may affect their orders.

(d) Utilities with eligible customers outside the state shall coordinate with the Lead Agency to resolve any implementation differences. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-11; filed Jun 3, 1985, 10:35 am: 8 IR 1271; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-11) to the Office of the Lieutenant Governor (16 IAC 4-2-11) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-12 Home heating suppliers

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.12. (a) A home heating supplier can voluntarily request to participate in the CACS program by informing the Lead Agency through written correspondence of its intentions. The Lead Agency will consider the ability of the supplier to satisfy the program requirements, any waivers requested, and the resources of the supplier.

(b) Upon adequate demonstration to the governor that the resources of the supplier to [*sic.*] not enable it to comply with a particular requirement, this requirement may be waived after thorough review.

(c) Participating suppliers may request voluntary withdrawal from the program by submitting a written statement to the Lead Agency. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-12; filed Jun 3, 1985, 10:35 am: 8 IR 1272; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-12) to the Office of the Lieutenant Governor (16 IAC 4-2-12) by P.L.4-2005, SECTION 150, effective February 9, 2005.

16 IAC 4-2-13 Reports and recordkeeping

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.13. (a) The state of Indiana will submit a report to the assistant secretary no later than July 1 following the state plan approval and annually thereafter through July 1, 1990, covering the twelve (12) month period ending the preceding April 1.

(b) The report, at a minimum, shall include the following:

(1) The number and nature of program audits requested from, and provided by, each covered utility for commercial and apartment buildings. This information shall be reported separately by category of building.

(2) Estimated state and utility costs of implementing the CACS program.

(3) The number of eligible customers by category of building, if known.

(4) Copies of the latest audit announcement.

(c) The information required to complete the annual report will be derived from records maintained by the Lead Agency and participating utilities. Prior to submission of the report, a standardized format sheet will be forwarded to each utility for their completion.

(d) The utilities shall maintain records, for the twelve (12) months prior to and the twelve (12) months following the customer's audit, which indicate the amount and cost of energy purchased.

(e) The Lead Agency shall provide to the assistant secretary additional information that may be deemed essential to the Department of Energy's implementation of the CACS program. The covered utilities shall provide to the Lead Agency, if requested, information which will assist in fulfilling the additional federal requirements.

(f) The participating utilities shall retain a copy of the report of the results of each program audit, on file for ten (10) years from the date of the audit. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-2-13; filed Jun 3, 1985, 10:35 am: 8 IR 1272; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-2-13) to the

Office of the Lieutenant Governor (16 IAC 4-2-13) by P.L.4-2005, SECTION 150, effective February 9, 2005.

Rule 3. Program Measure Applicability Criteria

16 IAC 4-3-1 Applicability criteria of program measures

Authority: IC 4-4-3-21

Affected: IC 4-4-3-8

Sec.1. (a) A program measure is applicable in a building if the measure is not already present in good condition and the potential exists to save energy and/or reduce energy demand in the building by installing it, and the installation of the measure is not a violation of federal, state, or local law or regulations. A replacement measure is applicable only if a less efficient device performing the same function, which is more than five (5) years old, is already present in the building.

(b) Energy recovery systems (when waste heat from an air conditioner is used to assist in heating water) are applicable if:

(1) the building uses at least fifty (50) gallons of hot water per day;

(2) the building has a source of water heat of 3400-5800 Btu/hour (e.g. the equivalent of waste heat from a two-ton air conditioner; and

(3) the building is located in an area with more than 2000 cooling degree days.

(c) Furnace flue opening modifications are applicable if the furnace combustion air is taken from a conditioned area.

(d) Ceiling insulation is applicable if the differential between the existing insulation and the insulation level recommended by the state plan exceeds the differential established by the state plan. The recommended ceiling insulation level for commercial and multi-family buildings is R 20.

(e) Lighting system modification to use daylighting is applicable if any electric lighting fixtures are located within fifteen (15) feet of an existing window or skylight in a commercial building or in common areas of an apartment building.

(f) Passive solar heating thermosyphon air systems are applicable if the building has a south-facing ($\pm 45^\circ$ of true south) wall free of a major obstruction to sunshine during the heating season.

(g) Solar domestic hot water systems are applicable if the building consumes more than eighty (80) gallons of hot water per day and has access to a site clear of major obstructions to solar radiation which allows solar collectors to be oriented $\pm 45^\circ$ of true south.

(h) Solaria/sunspace systems are applicable to an apartment building if it has existing balconies, patios or available adjacent ground area on the south-facing ($\pm 45^\circ$ of true south) wall. Solaria/sunspace systems are not applicable to commercial buildings.

(i) Solar swimming pool heater replacements are applicable only for apartment buildings and only if the pool uses electricity or other nonrenewable energy for heating.

(j) Window heat gain retardants are applicable to buildings which have glass on the south, east or west sides if they are exposed to sunlight.

(k) Pipe and duct insulation is applicable to hot water pipes and to heating and cooling ducts which extend through unconditioned spaces. (*Office of the Lieutenant Governor; Division of Energy; 16 IAC 4-3-1; filed Jun 3, 1985, 10:35 am: 8 IR 1272; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1267*) NOTE: Transferred from the Department of Commerce (55 IAC 6-3-1) to the Office of the Lieutenant Governor (16 IAC 4-3-1) by P.L.4-2005, SECTION 150, effective February 9, 2005.

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