Building Benchmarking Policy Proposal and Implementation Outline

For Public Comment
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New Jersey Board of Public Utilities
Division of Clean Energy
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Introduction

The Clean Energy Act of 2018 ("CEA" or "the Act")[1] establishes a benchmarking requirement for commercial buildings over 25,000 square feet. Beginning in May 2023, owners and operators of commercial buildings that meet this threshold will be required to benchmark their respective buildings' energy and water use (the "Benchmarking Requirement"). The Act states that:

> *No later than five years after the date of enactment of P.L.2018, c.17 (C.48:3-87.8 et al.) [by May 23, 2023], the board shall require the owner or operator of each commercial building over 25,000 square feet in the State to benchmark energy and water use for the prior calendar year [2022] using the United States Environmental Protection Agency's Portfolio Manager tool.*[2]

There are a number of key policy and implementation details that must be considered in order to effectively enact the CEA's Benchmarking Requirement. These topics include defining and developing a covered buildings list, providing secure and efficient data access using EPA's Portfolio Manager, outreach to building owners, reporting, and compliance. While the CEA was explicit in directing the Board of Public Utilities ("Board" or "BPU") to establish a Benchmarking Requirement, it did not provide additional guidance on these key topics. This proposal outlines Board Staff's ("Staff's") recommendations for the policy considerations and implementation details related to the CEA's Benchmarking Requirement.

I. Background

A. Benefits of Benchmarking

In the portfolio of policy tools to increase energy efficiency in buildings, benchmarking is a foundational program to raise awareness with building owners and operators about the energy performance of their buildings. Goal 3.3.2, *Establish transparent benchmarking and energy labeling,* of the 2019 New Jersey Energy Master Plan ("EMP") lists building energy use benchmarking as a critical component in promoting market-driven increases in energy efficiency.[3] Benchmarking allows commercial building owners and operators to measure and analyze their respective facilities' energy use and compare their performance to similar or model buildings. This provides owners and operators with the necessary information to assess opportunities for performance improvements that reduce energy use and costs. Energy efficiency program managers can also use data from benchmarking to inform program design and to provide targeted incentives and outreach to qualified commercial buildings.

In addition to these short-term benefits, benchmarking can provide long-term benefits. The State, in collaboration with energy efficiency providers, can use the data to strategically plan for future energy efficiency programs that help building owners and operators to reduce their energy usage through strategies such as optimizing building performance standards or advancing beneficial electrification. In addition, benchmarking data about multi-family buildings can help with energy efficiency program design to address energy equity issues for renters.

B. EPA Energy Star Portfolio Manager

The CEA requires that building owners and operators use the United States Environmental Protection Agency's ("EPA's") Energy Star Portfolio Manager tool ("Portfolio Manager") to participate in New Jersey's commercial building benchmarking program.[4] The first step in benchmarking a property's energy use is to have the property owner or operator, as applicable, upload building characteristics and utility data to Portfolio Manager. The EPA

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[1] P.L. 2018, c. 17 (N.J.S.A. 48:3-87.8 et al.).
[2] N.J.S.A. 48:3-87.10(4)(b). *See also* https://www.energystar.gov/buildings/tools-and-resources/portfolio-manager-0.
[3] 2019 New Jersey Energy Master Plan, pages 150-151, *available at* https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf
[4] *See* CEA, *supra* note 1, at 4.b.

describes Portfolio Manager as a web-based "no-cost, interactive energy management tool that allows you to securely track and assess energy and water consumption across your building portfolio."[5] Portfolio Manager benchmarks the building for which data has been submitted against other buildings across the nation with a similar use. The building owner or operator, as applicable, receives a benchmark report from EPA, which the State, at its option, may elect to customize. For each commercial building, this benchmark report includes the Energy Star benchmark score,[6] annual trends in energy use, recommended energy upgrades, and applicable State energy efficiency incentive programs.

C. Benchmarking in Other Jurisdictions

Benchmarking laws and ordinances have been passed in cities, counties, and states throughout the country.[7] The Federal government also requires benchmarking of federal buildings.[8]

Benchmarking may be applied to any type of building, from single-family residential to commercial buildings. Benchmarking for single-family residential buildings, usually found in smaller cities, is typically conducted for the purpose of a *transactional disclosure* (i.e., a snapshot of energy and water usage at the time-of-sale or time-of-listing) where the building seller is required to share a benchmarking report to a prospective buyer.

Larger jurisdictions with significant energy consumption from office and multi-family residential buildings typically employ an *annual public disclosure,* such as a database or interactive map posted on a public website.[9] The definition of "covered buildings" varies across jurisdictions to cover some combination of commercial, industrial, multi-family, or public buildings. The size threshold ranges from 10,000 to 50,000 square feet. In some cases, public buildings may have a lower size threshold than commercial buildings. All jurisdictions use Portfolio Manager to collect the data and calculate the benchmark score. Also, most jurisdictions have the authority to levy a fine for non-compliance. Most jurisdictions first send out a warning letter and then apply a pro-rated fine for continued non-compliance. The fine may be assessed daily, monthly, or quarterly. Most jurisdictions also apply a maximum annual value, which ranges from $2,000 (New York City to $9,200 (Chicago). Some jurisdictions have additional requirements to conduct periodic energy audits or retro-commissioning.[10] The most ambitious jurisdictions have building performance standards (e.g., NYC, D.C.) to meet their greenhouse gas emission reduction targets.[11]

II. Covered Buildings List

A. Covered Buildings Definition

To clarify the definition of "commercial," Staff recommends using the "commercial building" class as defined by the New Jersey Division of Taxation ("Division of Taxation") for tax assessment purposes (property class 4A).[12] The definition includes all buildings used for profit-making purposes. The Division of Taxation further defines the following types of building uses under the commercial business class:

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[5] https://www.energystar.gov/buildings/tools-and-resources/portfolio-manager-0
[6] https://www.energystar.gov/buildings/benchmark/analyze_benchmarking_results
[7] https://www.imt.org/resources/map-u-s-city-and-county-benchmarking-policies-for-existing-private-buildings/
[8] US Department of Energy, "Federal Building Energy Use Benchmarking Guidance" (2014).
[9] ACEEE, Policy Brief on "Commercial and Multifamily Building Energy Benchmarking, Transparency, and Labeling in US Cities" (2018).
[10] https://www.energystar.gov/buildings/tools-and-resources/building-upgrade-manual. Chapter 5 covers retrocommissioning.
[11] https://www.epa.gov/sites/default/files/2021-02/documents/benchmarking_building_performance_standards_section2.pdf
[12] *See* N.J.A.C. § 18:12-2.2 for New Jersey property classifications with definitions.

- Retail
- Office (including medical offices)
- Multi-family residential
- Self-storage
- Warehouses
- Data centers
- Private educational facilities
- Hospitals (for profit)
- Hospitality
- Specialty (RV Parks, arenas, casinos, amusement centers)
- Parking garages
- Mixed use (even if only one square foot is used for commercial purposes)

As part of this approach, industrial buildings (class 4B), apartments (class 4C), public school property (class 15A), other school property (class 15B), and public property, including Federal, county, and local government (class 15C) would be excluded from the covered buildings list. Staff does recommend including State buildings from class 15C, toward the goal of the State of New Jersey leading by example. The Division of State Energy Services at the BPU has started setting up the benchmarking of State-owned buildings over 25,000 square feet. As for county, municipal, and public school buildings specifically, BPU offers the Local Government Energy Audit ("LGEA") program through which participating entities benchmark using Portfolio Manager.[13]

Staff recommends that building owners and operators in excluded classes may voluntarily benchmark with the State. The State benchmarking website would have a section on why and how to voluntarily benchmark.

STAKEHOLDER QUESTION #1: Staff requests stakeholder comment on the proposed definition of "commercial buildings" above.

B. Covered Buildings List Development

The State will annually generate a covered buildings list of buildings that fall within the above definition of "commercial buildings" over 25,000 square feet. The list will include the following data for each building:

- Building owner
- Address
- Building square footage
- Building class
- Building use
- Unique Building Identifier ("UBID")

While some jurisdictions subscribe to a commercial real estate database, most jurisdictions construct the buildings list from a tax assessment database. Tax assessment databases are reliable in that they are public and have a comprehensive list of tax parcels. A key challenge, however, is mapping the parcels to buildings. For instance, one building may comprise multiple parcels, such as a condominium, or multiple buildings may occupy a single parcel, such as a campus. For the first scenario, the tax assessment database treats each parcel as a separate record. Satellite building footprint data, along with the building's address, can be used to link all of the parcel records to one building. As a final step, the BPU's data consultant will manually identify which of the parcel records represents the responsible party for doing the benchmarking, such as a condominium association.

In the second scenario, BPU's data consultant will superimpose Division of Taxation parcel GIS data with satellite building footprint data to identify individual buildings on a campus, other than non-profit buildings. Portfolio

[13] https://www.njcleanenergy.com/LGEA

Manager treats campuses as a single "parent" entity with "child-buildings." In other words, if there are sub-meters, then the building owner can report energy or water per child-building, and Portfolio Manager will calculate a total for the campus. Staff recommends that for New Jersey's benchmarking purposes only, total energy and water data for the campus will be collected and reported. Staff, however, seeks feedback on whether a building owner should benchmark a campus with two or more buildings if (a) the total square footage of the buildings exceeds 25,000 square feet or (b) just one of the buildings exceeds 25,000 square feet.

Staff recommends developing the covered buildings list from the state tax assessment database (i.e., MOD-IV[14]) and two additional sources: Microsoft Building Footprints[15] (an open source database) and a commercial real estate database. The former is a geographic information system ("GIS") of building footprints derived from satellite imagery. The data consultant would superimpose the building footprint data over the MOD-IV parcel GIS data to map parcels-to-buildings for condos and campuses. The latter is a database developed for commercial real estate investors to assess the value of a property. These databases include a wealth of information, such as contact information of owners and facilities managers, square footage confirmed from satellite imagery, building assets, and sales transactions. The commercial real estate database would be used only in the first year to verify the parcel-to-building mapping, square footage, and building owner contact information. Staff believes that, once the list is set up for the first year, future annual updates can be done without relying on a commercial real estate database.

In addition, Staff recommends appending a UBID to each building. UBID is a US Department of Energy standard that uniquely identifies each building based on its latitude, longitude, building footprint, and orientation.[16] The UBID facilitates linking data from different sources, such as the tax assessment data, Portfolio Manager data, and the utility data for each building.

In other benchmarking jurisdictions, a building may be exempted from benchmarking requirements if it is newly constructed or demolished. Staff recommends that, if a building is newly constructed or demolished in a given reporting year, the building should not be included in the covered buildings list. Since the Division of Taxation tracks the dates of new construction and demolitions, the covered buildings list can be updated accordingly. If a building is sold during a given reporting year, the new owner would still be obligated to benchmark that building.

Staff also recommends that building owners be able to appeal to have their buildings removed from the covered buildings list in certain other situations for good cause (e.g., size falls below the threshold, the building is unoccupied, or the building is foreclosed) and with the provision of evidence (e.g., architectural drawings).

STAKEHOLDER QUESTION #2: Staff seeks stakeholder feedback on which buildings should be excluded from the covered buildings list, how campuses should be treated, and why.

STAKEHOLDER QUESTION #3: Staff recommends an appeal process to have buildings removed from the covered buildings list and seeks stakeholder feedback on the criteria for granting appeals.

III. Using Portfolio Manager and Accessing Utility Data

Staff recommends a Portfolio Manager annual submission deadline of July 1 for the prior calendar year data submission. Within the first quarter of every year, Staff would plan to issue a covered buildings list for the prior calendar year and send notice to building owners of their benchmarking obligation. The building owners would bear the responsibility of notifying all applicable building operators of their respective buildings, as applicable. The building owners and operators, as applicable, would then have three months to fulfill their submission obligations.

[14] https://www.state.nj.us/treasury/taxation/pdf/lpt/modIVmanual.pdf
[15] https://www.microsoft.com/en-us/maps/building-footprints
[16] US Department of Energy, "Unique Building Identifier (UBID) – Public Sector Implementation Guide" (2021).

The steps for completing a Portfolio Manager submission are as follows.

1. Staff sends a benchmarking notification letter to each building owner. The letter will include the UBID for each building a particular building owner owns.
2. The building owner or its respective building operator, as applicable, creates a Portfolio Manager account.
3. The building owner or operator adds their buildings to Portfolio Manager, including the UBID for each building, and then enters the building's characteristics (such as address, age, square footage), along with the building's monthly utility data.

For the final step, the building owner, or the building operator if designated as the building owner's duly authorized representative, grants BPU read access to their Portfolio Manager data.

A. Accessing Utility Data and Maintaining Tenant Privacy

As described in step 3 above, the building owner is responsible for reporting monthly energy and water data at the building level or at the campus level if the campus is master-metered and includes a qualifying building. Unless the building is owner-occupied, the building owner must obtain his or her tenants' utility data. To ease the effort to collect the data and to maintain tenant privacy, all benchmarking jurisdictions require their utilities to provide the tenants' data aggregated up to the building level. Staff recommends that New Jersey likewise require the utilities to provide the building level data to building owners or their designated representative. As described in more detail below, the building owner will send a data access request to the utility, and the utility will sum up the data for all customers at the given building. The owner will receive one year of monthly building-level data.

For several reasons, Staff does not anticipate privacy or cybersecurity issues regarding the access to and disclosure of tenants' data. First, monthly reporting provides information about comparative usage and month-to-month trends but does not provide insight into more detailed (e.g., daily or hourly) usage patterns. Second, as discussed below in the section on Reporting and Disclosure, only benchmark scores and total annual utility use is reported publicly. The monthly data is disclosed only to EPA and BPU. Third, the data transfers among the utility, the building owner, and EPA are handled through established, secure data protocols (see discussion of XML below). Fourth, aggregating data for all utility customers at the building level limits the ability of the building owner to isolate the data for an individual tenant. To further limit privacy and cybersecurity risks, many jurisdictions allow for an opt-out from benchmarking reporting if the number of tenants is below a certain threshold.[17] Some jurisdictions also allow for an opt-out if one tenant consumes a large percentage of the building's overall energy. The tradeoff to granting opt-outs is that many single-tenant buildings would not participate in benchmarking.

STAKEHOLDER QUESTION #4: Staff requests stakeholder feedback about the proposed data access approach, privacy and cybersecurity concerns about building owners and building operators accessing tenant data, and eligibility requirements for opt-outs based on privacy and cybersecurity concerns.

B. Automating Data Access

If the utilities are required to provide aggregated building-level data, then the steps for a building owner to obtain the data from the applicable utility are as follows:

1. The building owner creates an account with the utility and submits its building information, such as address and UBID; and
2. The utility maps all tenant accounts and meters in the building and returns the list to the building owner for confirmation.

Upon confirmation of the tenant/meter list, the utility calculates the aggregated data and returns it to the building owner. Within Portfolio Manager, the building owner or building operator can assign one or multiple meters to a building. A meter could represent: (i) the type of utility service, such as electricity, natural gas, fuel oil, or water,

[17] US Dept. of Energy, "Energy Data Accelerator – Guide to Data Access and Utility Customer Confidentiality" (Jan. 2016).

(ii) a sub-meter, or (iii) a site-generated utility, such as solar or water well. There are three methods to enter the monthly utility data into a meter: (i) manually type each month of data, (ii) upload a properly formatted spreadsheet, or (iii) have the utility or a third-party service provider automate the data feed to Portfolio Manager through an XML data standard called "web services."[18]

California, Washington, and Colorado, the states with benchmarking laws, have required their respective utilities to implement web services, which makes it easier for the building owner to comply with benchmarking. Staff recommends that the Board require regulated utilities serving over 50,000 customer accounts in New Jersey to provide aggregated building-level data through web services starting in calendar year 2022.[19] Staff proposes this threshold to include all regulated electric, natural gas and larger water utilities, but to exclude smaller water utilities to not impose an undue financial burden. All other regulated utilities would still be required to provide aggregated building-level data to the building owner or its respective building operator, but they could do it through a spreadsheet. Staff recommends that the utilities would need to provide this data by early 2023, several months before the first submission deadline. In addition, Staff suggests that the Board allow the utilities to recover the reasonable and prudent costs associated with the information technology costs of implementing web services.

More than half of the State's population is served by municipal water utilities that the BPU does not regulate. To support the adoption of web services, or at least a standardized spreadsheet among the municipal water utilities and smaller energy utilities, Staff recommends a series of workshops to inform the water utilities about the benchmarking law and the process of providing data to their customers. The goal would be to minimize barriers and encourage these water utilities to meet the benchmarking needs of their customers.

STAKEHOLDER QUESTION #5: Staff requests stakeholder comment on the utility implementation of data access and web services and other available options that would be secure and efficient and would streamline data upload for building owners/operators.

IV. Building Owner Outreach and Training

A. Outreach Strategy

The outreach strategy for benchmarking is of critical importance because building owners must be notified of their benchmarking obligations under the CEA, as well as be made aware of the benefits available to them from benchmarking. Staff is proposing a robust outreach plan starting one year prior to the first submission deadline for commercial building owners and operators. Staff initially intends to communicate with various stakeholder organizations, including municipalities, chambers of commerce, industry associations, and real estate associations. Staff plans to send e-mails to and hold workshops with individual building owners represented by these organizations. With guidance from the stakeholder organizations, Staff would tailor the messaging to the audience, accounting for different building uses, language, and resources of the building owners.

STAKEHOLDER QUESTION #6: Staff seeks stakeholder feedback on best strategies and recommended approaches for outreach to ensure that all commercial building owners and operators are aware of the benchmarking requirement and its benefits.

[18] Web services is an xml data standard (https://developer.mozilla.org/en-US/docs/Web/XML/XML_introduction) that allows two software systems to communicate and share data over the internet. https://www.energystar.gov/buildings/resources_audience/utilities_program_sponsors/pm_web_servs

[19] Regulated utilities serving over 50,000 customer accounts include Atlantic City Electric Company, Elizabethtown Gas Company, Jersey Central Power & Light Company, New Jersey Natural Gas Company, Public Service Electric & Gas Company, Rockland Electric Company, South Jersey Gas Company, and the larger water utilities, including Aqua New Jersey, Middlesex Water Company, New Jersey American Water Company, and SUEZ Water New Jersey.

B. Training Strategy

Building owners will need training on both the benchmarking program requirements and using Portfolio Manager. For the novice user of Portfolio Manager, the training and submission process can be time consuming. EPA introductory training webinars for Portfolio Manager require a commitment of three hours. If the building has an unusual configuration or building use, data entry can be error prone for the novice. To lessen the learning curve and improve compliance, other benchmarking jurisdictions provide a mix of workshops, videos, newsletters, web-based guides, and a help desk. Staff proposes a one-year lead time prior to the first submission to provide such training. Staff further proposes to develop a BPU benchmarking website to contain information on this subject and is considering a number of partners to help in this endeavor. For example, the NJIT Clean Energy Learning Center could develop training content, run the workshops, and staff a help desk. Additionally, the EPA has a series of videos and regular training opportunities (Portfolio Manager 101, 201, 301, etc.) on using Portfolio Manager, which can be included on BPU's forthcoming benchmarking website.

STAKEHOLDER QUESTION #7: Staff seeks stakeholder feedback about what training content, media, and platforms would be useful to provide building owners and operators, as well as for any other entities.

To further ease the burden of completing a Portfolio Manager submission, Staff recommends that the building owner may designate a third-party, such as their property manager, to complete the Portfolio Manager submission. Some jurisdictions offer a certification for Portfolio Manager and benchmarking. Having a pool of Portfolio Manager-certified personnel helps building owners who might not have the staff, resources, skills, or time to conveniently complete the submission. A list of the certified personnel would be posted on the BPU benchmarking website.

STAKEHOLDER QUESTION #8: Staff recommends developing such a Portfolio Manager certification program with the assistance of New Jersey Institute of Technology's ("NJIT's") Center for Building Knowledge and seeks feedback on how it might be implemented.

C. Customer Relationship Management Software & Help Desk

The success of the benchmarking program will require timely and comprehensive communication of such program requirements, training, deadlines, and compliance requirements. Every existing benchmarking jurisdiction maintains a customer relationship management ("CRM") system to store the benchmarking data, track the submission status of each building, and communicate with the building owners. Given the estimate of covered buildings, which is 15,000 to 40,000 depending on how "commercial" is to be defined, using a CRM system is imperative for the State to have, as such a system will automate benchmarking program management. Staff seeks to implement a CRM system at least half a year prior to the first benchmarking filing deadline. Upon implementation, the CRM would send out postal mailings or e-mails about the benchmarking program to each building owner on the covered buildings list. Training workshops and on-demand videos located on BPU's forthcoming benchmarking website would explain the benchmarking requirements and provide training on Portfolio Manager. The CRM would automatically send out e-mails to building owners for submission deadlines, submission errors, late warnings, summary analyses, and promotion of applicable energy efficiency programs. The CRM would also be automatically updated to include the latest covered buildings list and Portfolio Manager data.

V. Reporting & Disclosure

There are three audiences for reporting: building owners, BPU, and the public.

A. Building Owners

Building owners receive a benchmarking report through their Portfolio Manager account. Staff will work with EPA to design the content of the report to include pertinent energy performance metrics and customized

recommendations for applicable energy efficiency programs. For example, a multi-family residential apartment might see a different list of energy efficiency programs than an office building would. A high-performing, highly energy efficient building might see a different list of energy efficiency programs than a low performing building would.

B. BPU

Staff will analyze the Portfolio Manager data to improve benchmarking program management and to develop and inform future clean energy programs that utilize benchmarking data, such as programs focused on building performance standards, or programs designed to assist building owners and operators assess other market players both within and outside of their respective buildings' market sector.

C. Public

Public disclosure comes in four forms:

- *Poster on the building* – NYC and Chicago require building owners to display a poster near the main entrance of their building. The poster is updated annually and includes a letter grade based on the Energy Star Benchmark score.

- *Building-level database* – Most jurisdictions with benchmarking ordinances or laws publish a building-level database on their websites in the form of a spreadsheet or an interactive map. The metrics included in the database should be carefully considered to maintain reasonable tenant privacy and cybersecurity of both building owners and tenants. The database could include, but may not be limited to, the following metrics: building name, address, age, square footage, compliance status, Energy Star Benchmark Score, energy or water use intensity, and annual energy or water cost.

- *Program report* – Almost all jurisdictions publish an annual benchmarking program report. These benchmarking reports generally cover topics such as compliance rates, improvement in Energy Star Benchmark scores, and impact on energy efficiency program awareness and participation, as well as process improvements.

- *Transactional disclosure* – Transactional disclosure is also known as "time-of-sale" or "time-of-listing" disclosure. When a building is for sale or is open for leasing, the building owner must disclose a benchmarking report to prospective buyers or tenants. This approach maintains market transparency, but with less cybersecurity risk.

Staff seeks to provide benchmarking information through an approach that raises public awareness and provides transparency while balancing privacy and cybersecurity risk. Market transactions become more transparent as potential buyers and tenants have a better understanding of energy costs. Energy service companies can market to low-performing buildings.

STAKEHOLDER QUESTION #9: Staff seeks stakeholder feedback on a public reporting approach that takes into account public awareness and transparency goals, privacy considerations, and minimization of cybersecurity risk.

VI. Compliance

Non-compliance comes in the form of incomplete, incorrect, late, or missing Portfolio Manager submissions. Portfolio Manager comes with built-in quality assurance checks, which New Jersey can customize, to encourage timely, complete, and correct submissions. To further ensure quality Portfolio Manager submissions, Staff recommends providing training (e.g., workshops and videos), having a help desk, and sending out notifications of pending deadlines.

For late submissions, most jurisdictions will send a warning letter to the building owner and then apply a pro-rated fine for continued non-compliance. The fine may be assessed daily, monthly, or quarterly. Most jurisdictions apply a maximum annual value, which ranges from $2,000 (NYC) to $9,200 (Chicago). Not issuing fines would very likely result in low compliance among building owners. California has legislative authority, authorizing government entities to issue fines. To date, though, the California Energy Commission ("CEC") has not issued fines, and, as a result, within the CEC's operational area in California, only achieves about 50% compliance.

Since the Act did not authorize the assessment of fines, Staff recommends the following:

1. Include compliance status in the aforementioned building-level database.
2. Send out a warning letter 90 days after the July 1 submission deadline for delinquent reporting.
3. Requiring compliance with benchmarking as a prerequisite for participation in any of the Board's other programs, as well as utility energy efficiency programs.

STAKEHOLDER QUESTION #10: Staff seeks feedback on how to optimize reporting compliance.

VII. Future Proofing and Optimizing Benchmarking in New Jersey

As the BPU looks to establish this benchmarking program, Staff seeks input about how the program can be designed to be as effective as possible in realizing the benefits of benchmarking throughout the state.

STAKEHOLDER QUESTION #11: Staff seeks suggestions about how to design the benchmarking program so as to potentially be able to expand in future years (e.g., by accommodating additional buildings, etc.) and form the foundation for future efforts in increasing energy efficiency in buildings.

STAKEHOLDER QUESTION #12: Staff seeks comments on additional elements of the benchmarking program that would maximize its benefits.

Questions for Stakeholder Comment

Below is a summary of all the questions on which Staff is seeking stakeholder comment:

1. *Staff requests stakeholder comment on the proposed definition of "commercial buildings."*
2. *Staff seeks stakeholder feedback on which buildings should be excluded from the covered buildings list, how campuses should be treated, and why.*
3. *Staff recommends an appeal process to have buildings removed from the covered buildings list and seeks stakeholder feedback on the criteria for granting appeals.*
4. *Staff requests stakeholder feedback about the proposed data access approach, privacy and cybersecurity concerns about building owners and building operators accessing tenant data, and eligibility requirements for opt-outs based on privacy and cybersecurity concerns*
5. *Staff requests stakeholder comment on the utility implementation of data access and web services and other available options that would be secure and efficient and would streamline data upload for building owners/operators.*
6. *Staff seeks stakeholder feedback on best strategies and recommended approaches for outreach to ensure that all commercial building owners and operators are aware of the benchmarking requirement and its benefits.*
7. *Staff seeks stakeholder feedback about what training content, media, and platforms would be useful to provide building owners and operators, as well as for any other entities.*

8. *Staff recommends developing a Portfolio Manager certification program with the assistance of New Jersey Institute of Technology's ("NJIT's") Center for Building Knowledge and seeks feedback on how it might be implemented.*
9. *Staff seeks stakeholder feedback on a public reporting approach that takes into account public awareness and transparency goals, privacy considerations, and minimization of cybersecurity risk.*
10. *Staff seeks feedback on how to optimize reporting compliance.*
11. *Staff seeks suggestions about how to design the benchmarking program so as to potentially be able to expand in future years (e.g., by accommodating additional buildings, etc.) and form the foundation for future efforts in increasing energy efficiency in buildings.*
12. *Staff seeks comments on additional elements of the benchmarking program that would maximize its benefits.*