COUNCIL OF THE CITY OF PHILADELPHIA COMMITTEE ON THE ENVIRONMENT

Room 400, City Hall Philadelphia, Pennsylvania Tuesday, June 5, 2012 2:04 p.m.

PRESENT:

COUNCILWOMAN BLONDELL REYNOLDS-BROWN, CHAIR COUNCILMAN JAMES KENNEY, VICE-CHAIR COUNCILWOMAN JANNIE BLACKWELL COUNCILMAN CURTIS JONES, JR. COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILL: 120428

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- 2 COUNCILWOMAN REYNOLDS-BROWN: We want to
- 3 thank everyone for your attendance and presence
- 4 at this important meeting of the Committee on
- 5 the Environment to hear testimony on Bill No.
- 6 120428, which seeks to implement an online
- 7 citywide program where property owners, tenants,
- 8 perspective purchasers, lessees and the public
- 9 at large can simply compare energy and water
- 10 usage amongst comparable buildings. Property
- 11 owners will find out how their buildings stack
- 12 up and compare to other buildings providing the
- 13 tools necessary to formulate best practices and
- 14 ultimately discover cost savings.
- Today we are thrilled to have join us on
- 16 our Committee Council Members Maria
- 17 Quinones-Sanchez, Councilwoman Jannie Blackwell
- 18 and joined also by our Majority Leader
- 19 Councilman Curtis Jones. So with that, we want
- 20 to ask the Clerk to please read the title of the
- 21 Bill.
- 22 THE CLERK: An Ordinance amending Chapter
- 23 9-3400 of The Philadelphia Code, entitled
- 24 "Energy Conservation," to provide for the

- 1 benchmarking and reporting of energy and water
- 2 usage data for certain buildings, all under
- 3 certain terms and conditions.
- 4 COUNCILWOMAN REYNOLDS-BROWN: Thank you.
- 5 This Committee now on the Environment is now a
- 6 Public Hearing to hear testimony on Bill NO.
- 7 120428.
- 8 It's the belief that information is power.
- 9 When we have information, we for sure make
- 10 different choices. Many would ask, including
- 11 members of the Coalition For an Energy Efficient
- 12 Philadelphia, would ask why now. And I quote
- 13 from their literature:
- "There is no time like the present to
- 15 become more energy efficient. As energy prices
- 16 continue to rise, energy independence becomes
- increasingly critical to our City's economic
- 18 vitality."
- 19 So in short, this Bill aims to provide all
- 20 parties with the tools needed to make informed
- 21 decisions toward our collective goal, which is
- 22 reduced energy consumption, typically equals
- 23 cost savings. I would be remiss not to thank
- 24 and acknowledge the Coalition For an Energy

- 1 Efficient Philadelphia, the energy professionals
- 2 and advocates have met with my office over the
- 3 past year.
- 4 As is our custom, we meet with all sides.
- 5 A special thank you to Leslie Cook from the
- 6 United States Environmental Protection Agency
- 7 and Andrew Burr from the Institute for Market
- 8 Transformation who are here today from our
- 9 nation's capital. We would say welcome to the
- 10 City of Brotherly Love and Sisterly Affection.
- 11 Others might say Sisterly Effectiveness.
- We would also be remiss not to acknowledge
- 13 and say thank you to Don Haas and Rich McClure
- 14 and all of the members of BOMA who allowed my
- 15 staff and I to come and provide with you
- 16 background on this bill.
- 17 Today, with the successful passage of this
- 18 legislation, our City will join a short list of
- 19 states. Five years ago in 2007, the State of
- 20 California led with this new activity. Two
- 21 years later Washington State passed similar
- 22 legislation. Today, we hope to join Austin who
- 23 put a measure like this in place in 2008, the
- 24 District of Columbia in 2008 and New York City

- 1 who instituted legislation in 2009 due to become
- 2 effective in 2014.
- 3 The one big elephant in the room is that in
- 4 this community there is a feeling and a strong
- 5 concern that not all is done to ensure that all
- 6 communities are participating. Efforts like
- 7 this only work when we figure out how such
- 8 initiatives can work for all communities. And
- 9 so I quote, "Another large concern is that
- 10 minority businesses are not even at the table,
- 11 much less creating revenue from any of the green
- 12 initiatives in the city or from ARRA Funds."
- So, it is the hope of myself and members of
- 14 this Committee and Members of Council that going
- 15 forward efforts are made and initiatives are
- 16 taken by both the leadership and the membership
- 17 to make sure that all sectors of Philadelphia
- 18 are at the table when we are discussing green
- 19 and sustainability matters.
- Lastly, based on the number of meetings and
- 21 concerns that were addressed at a number of
- 22 different meetings, we are offering amendments
- 23 today. They are as follows.
- On page one of the Bill, the first

- 1 amendment changed the size of the commercial
- 2 building to be covered from 25,000 square feet
- 3 to 50,000 square feet.
- 4 Also on page one of the Bill, the second
- 5 amendment again changes the size of the
- 6 commercial building that would be covered from
- 7 25,000 square feet to 50,000 square feet.
- 8 On page two, the third amendment clarifies
- 9 how the building information can be submitted.
- 10 On the top of page three, the fourth
- 11 amendment clarifies the parts of the building
- 12 that ought to be covered under this ordinance.
- 13 And the middle of page three, the fifth
- 14 amendment clarifies regulations related to the
- 15 bill and waiver authority for the bill.
- We may be indeed working on a final
- 17 amendment to change the effective date so that
- 18 those communities and organizations that are
- 19 affected get a full year to move towards
- 20 honoring the attendance of this legislation.
- 21 So again, I thank all of you for being
- 22 here. And please know, understand and recognize
- 23 that we want to hear what everyone has to say.
- 24 That's the good news. The bad news is that we

- 1 have a three o'clock Committee of the Whole;
- 2 wherein, we have a number of other tough issues
- 3 to reckon with. So, we are appealing to you to
- 4 honor our request and to limit your testimony to
- 5 three minutes.
- 6 With that, we will start with our first
- 7 panel. And we invite to the witness table
- 8 Members of the Administration, Leslie Cook from
- 9 the United States Environmental Protection
- 10 Agency and Alex Dews, Mayor's Office of
- 11 Sustainability. If we could please move forward
- 12 to the table. And if we could please ask Doug
- 13 Hoffman of Brandywine Realty Trust and BOMA to
- 14 be prepared to move to the second panel.
- 15 And with that, we welcome you to these
- 16 Hearings and ask you to please offer your
- 17 testimony. State your name for the record.
- 18 MR. DEWS: My name is Alex Dews, Mayor's
- 19 Office of Sustainability.
- 20 Good afternoon, Chairwoman Reynolds Brown,
- 21 Vice Chairman Kenney and Members of the City
- 22 Council Committee on the Environment. I am Alex
- 23 Dews, Policy and Program Manager for the Office
- 24 of Sustainability. I'm here to testify in

- 1 support of Bill No. 120428, which provides for
- 2 benchmarking and reporting energy and water
- 3 usage data for large commercial buildings in
- 4 Philadelphia. I'd like to thank Chairwoman
- 5 Reynolds Brown for her commitment to
- 6 sustainability issues and leadership on
- 7 promoting energy efficiency in Philadelphia with
- 8 this bill.
- 9 The Mayor's Office of Sustainability is
- 10 responsible for implementation of Greenworks
- 11 Philadelphia, the City's Comprehensive
- 12 Sustainability Plan. Greenworks sets measurable
- 13 goals in the area of energy, environment,
- 14 equity, economy and engagement. Bill No. 120428
- 15 supports several of these objectives including
- 16 energy conservation, reduced greenhouse gas
- 17 emissions and improved air quality.
- 18 Over the past two years, we followed the
- 19 growing trend of building energy benchmarking
- 20 and disclosure policies in other cities and have
- 21 been in close contact with our peers in New
- 22 York, Seattle and San Francisco to learn from
- 23 their experiences and to see whether energy
- 24 benchmarking makes sense for Philadelphia.

- 1 Understanding that there are common challenges
- 2 to driving energy efficiency, its scale in all
- 3 cities, we feel that energy benchmarking and
- 4 disclosure is an important tool to advance
- 5 energy efficiency in the commercial real estate
- 6 market here in Philadelphia.
- 7 Data tracking and reporting are both
- 8 essential to the success of Greenworks
- 9 Philadelphia. In the three years that we've
- 10 been implementing the plan, we've measured
- 11 progress on 15 targets and over 150 initiatives
- 12 learning a great deal along the way. The energy
- 13 section of Greenworks sets a goal to reduce
- 14 City-wide building energy use 10 percent by
- 15 2015.
- 16 Energy efficient building construction and
- 17 renovation have expanded significantly in
- 18 Philadelphia since Greenworks was released in
- 19 2009. One indicator of this trend is that the
- 20 number of Energy Star and LEED certified
- 21 buildings has increased substantially. And
- 22 energy efficiency market continues to get
- 23 headway under public programs such as Energy
- 24 Works, utility programs such as PGW's Energy

- 1 Sense and PECO's Smart ideas, and private
- 2 businesses focused on energy solutions. The
- 3 collective results are helping to build
- 4 awareness and action around energy efficiency;
- 5 but unfortunately, have not been enough to
- 6 offset an overall increase in 13 percent in
- 7 City-wide building energy use between 2006 and
- 8 2010. The most recent time frame for which this
- 9 data is available.
- 10 Increased building energy use is not unique
- 11 to Philadelphia but is occurring across the
- 12 country. Extreme weather was a major factor
- 13 here in Philadelphia, but even after normalizing
- 14 for that there is a notable increase. We
- 15 believe that the slow economy has had a
- 16 surprising impact on energy use as well with
- 17 constrained budgets, building owners have
- 18 postponed equipment upgrades and repair. And
- 19 these delays ultimately result in less efficient
- 20 operations. This is a scenario not unfamiliar
- 21 to city government, which has faced similar
- 22 operations in maintenance challenges.
- 23 Commercial and industrial buildings which
- 24 now represent more than half of total building

- 1 energy use in Philadelphia were the primary
- 2 cause of the 13 percent increase. More than 60
- 3 percent of greenhouse gas emissions come from
- 4 Philadelphia's buildings, twice the rate of the
- 5 transportation sector. It's clear that in order
- 6 to see a meaningful reduction in City-wide
- 7 energy use and related greenhouse gas emissions,
- 8 we have to address commercial buildings.
- 9 Improving the resiliency of the City's
- 10 aging building stock increases its value in
- 11 regional competitiveness. And avoiding the cost
- 12 of wasted energy means more dollars going into
- 13 the local economy. Energy efficiency solutions
- 14 are often simple, affordable and accessible but
- only when the people who manage, own and rent
- 16 those buildings are aware of their energy
- 17 performance. As the largest property holder in
- 18 Philadelphia with a portfolio of more than 600
- 19 buildings, energy efficiency presents a big
- 20 challenge but also an enormous opportunity for
- 21 city government.
- 22 Benchmarking building energy use is proving
- 23 to be an effective energy education and
- 24 management tool already. Accurately tracking

- 1 energy use over time is a good practice. But
- 2 using EPA's free Portfolio Manager Tool to
- 3 benchmark a fire station or a recreation center
- 4 against a national database of similar
- 5 buildings, comparing apples to apples, provides
- 6 far greater insight into how well an individual
- 7 building is performing and where the greatest
- 8 opportunities are for savings across the City's
- 9 Building Portfolio.
- 10 Over the past several months, our office
- 11 has begun benchmarking all city facilities over
- 12 10,000 square feet, a total of 183 buildings,
- 13 using Portfolio Manager. We will publish an
- 14 annual report with the building profiles and
- 15 scores beginning in the fall of this year. Some
- 16 building owners are becoming more sophisticated
- 17 about energy use, but many still consider energy
- 18 a fixed cost that they can't control.
- 19 The first step toward managing energy use
- 20 in buildings is understanding demand. The
- 21 Portfolio Manager, which is the industry
- 22 standard tool uses a series of simple inputs
- 23 along with utility data to score building energy
- 24 performance relative to other buildings of

- 1 similar size, occupancy and use providing owners
- 2 and managers with much more information than
- 3 what they get on utility bills. A building with
- 4 good energy management practices is good for
- 5 tenants, owners, taxpayers and the broader
- 6 community.
- 7 The Mayor's Office of Sustainability
- 8 supports benchmarking and disclosing energy use
- 9 as a positive approach to making Philadelphia an
- 10 energy efficient city.
- 11 Thank you for this opportunity to testify
- 12 regarding this bill. I will be happy to respond
- 13 to any questions at this time.
- 14 COUNCILWOMAN REYNOLDS-BROWN: We thank you.
- 15 And we will hear from Leslie Cook before we open
- 16 it up for questions. Welcome.
- 17 MS. MS. COOK: Thank you. My name is
- 18 Leslie Cook. I'm a Program Manager with the
- 19 U.S. Environmental Protection Agency's ENERGY
- 20 STAR Commercial Buildings Program.
- 21 Chairwoman Reynolds Brown, Vice Chair
- 22 Kenney and Members of the Committee, thank you
- 23 for this opportunity to provide our
- 24 informational perspective on this proposed bill.

- 1 First, please note that my appearance today
- 2 to testify on behalf of EPA does not serve as an
- 3 endorsement of the proposed legislation but
- 4 rather is intended to provide an informational
- 5 testimony about the value of benchmarking in
- 6 commercial buildings as well as the capabilities
- 7 of the ENERGY STAR Portfolio Manager Tool has
- 8 proposed in the bill.
- 9 Energy efficiency offers one of the lowest
- 10 cost solutions for improving energy,
- 11 reliability, security, reducing our energy bills
- 12 and addressing the important issue of global
- 13 climate change all while helping to grow the
- 14 local and national economy.
- Now celebrating 20 years since its
- inception in 1992, the ENERGY STAR Program has
- 17 helped individuals and organizations nationwide
- 18 find effective energy efficient solutions. And
- 19 Americans, with the help of ENERGY STAR, has
- 20 prevented about 210 million metric tons of
- 21 greenhouse gas emissions in 2011 alone,
- 22 equivalent to the annual emissions from
- 23 approximately 41 million vehicles and saved
- 24 nearly 23 billion on their utility bills. And a

- 1 lot of those accomplishment are from strong
- 2 partnerships with cities like Philadelphia.
- For the decade, through ENERGY STAR, we
- 4 have worked with tens of thousands of building
- 5 owners and managers to reduce energy use in
- 6 buildings. Using the lessons we have learned
- 7 working with these individuals who are on the
- 8 front lines in addressing our nation's energy
- 9 challenges, EPA tailors easy to use cost
- 10 effective and cost free tools through the ENERGY
- 11 STAR Program to help businesses and
- 12 organizations reduce energy waste in buildings.
- We provide objective information for
- 14 buildings of all types, all sizes and all
- 15 functions. And our tools are used by states,
- 16 local governments, offices, hospitals, schools,
- 17 retailers, hotels, congregations and many others
- 18 across the country. The cornerstone of the
- 19 ENERGY STAR Program is for buildings that you
- 20 can't manage what you don't measure.
- 21 And our experience has shown in the many
- 22 building owners and operators simply don't have
- 23 a true understanding objectively of just how
- 24 much money they are spending on their energy

- 1 bills and don't know if energy use is high or
- 2 low for that type of building operation. But
- 3 our experience has also shown that once people
- 4 are armed with this type of information, as a
- 5 result of benchmarking, many will act on that
- 6 information. And in the City of Philadelphia,
- 7 the desire to act will lead them not back only
- 8 to ENERGY Star and other available resources
- 9 nationally, but to regional utility providers
- 10 and local businesses to assist them in improving
- 11 their energy performance.
- 12 EPA has developed this Portfolio Manager
- 13 Tool to assist building owners and managers and
- 14 measure and assess energy use in a standardized
- 15 way. Portfolio Manager is the interactive cost
- 16 free, energy management software tool that is
- 17 proposed in this Bill. That's the mechanism by
- 18 which building owners in Philadelphia will
- 19 benchmark their buildings' energy use.
- Like we said, it's a free tool that allows
- 21 users to assess and track their energy and water
- 22 consumption for a single building and also
- 23 across their entire portfolio. Once a building
- owner has collected just 12 months of utility

- data and a few very basic pieces of information
- 2 on their data, benchmarking is a simple exercise
- 3 that can take as little as 15 minutes for one
- 4 building. And for those with large portfolios
- of buildings, we have many options for bulk data
- 6 upload and large data management options.
- 7 Furthermore, for this Bill's perspective,
- 8 there is also flexibility for building owners to
- 9 share with their tenants and customers and the
- 10 general public. There is a flexibility
- 11 functionality built into the tool for building
- 12 owners to share their results electronically
- 13 through an online feature which may streamline
- 14 the reporting process and could be helpful in
- 15 the implementation of this proposed bill.
- There is over 2,070 buildings across the
- 17 nation -- I'm sorry, 270,000 buildings across
- 18 the nation have benchmarked in Portfolio
- 19 Manager. That number has grown by 40 percent
- 20 over the past year. Locally here in
- 21 Philadelphia, 6,000 buildings in the area have
- 22 already been using the tool. And that's a 30
- 23 percent increase from 2010 to 2011. So
- 24 clearly, this market is really adopting this

- 1 tool as our other companies nationwide.
- 2 So, I also wanted to point out that we have
- 3 made functionality improvements to Portfolio
- 4 Manager to allow service providers and utility
- 5 providers to help streamline the process through
- 6 data availability with automatic data upload.
- 7 Currently, there are over 50 organizations that
- 8 provide that service to building owners either
- 9 through their services as part of their energy
- 10 performance contracting, for instance, or it's a
- 11 utility providing that to their customers.
- 12 With the passage of this Bill, Philadelphia
- 13 would join a number of other cities and states
- 14 that have chosen to use Portfolio Manager in
- 15 this way. In 2011 alone the first reporting
- 16 here in New York City, they collected 16,000
- 17 buildings as part of their first annual
- 18 reporting. So, this has been a tested use of
- 19 the tool.
- 20 So in closing, benchmarking energy use of
- 21 commercial buildings is a critical first step in
- 22 the path to superior energy efficiency. And the
- 23 Committee is to be commended for identifying
- 24 existing buildings as a major opportunity to

- 1 reduce energy consumption. And we appreciate
- 2 the opportunity to provide our informational
- 3 perspective. Thank you very much.
- 4 COUNCILWOMAN REYNOLDS-BROWN: Questions for
- 5 Members of the Committee? Thank you for making
- 6 the trip. And we appreciate the leadership that
- 7 our Administration has shown consistently from
- 8 day one around the issue of the environment and
- 9 sustainability.
- 10 Speak briefly, if you will, to how you help
- 11 hotels? Concern has been raised about hotels.
- 12 I know they are listed in your ENERGY STAR
- 13 building designation. So, how can we help
- 14 hotels understand that this is a right and
- 15 appropriate way to go?
- MS. COOK: Sure. Hotels and Hospitality
- 17 Industry is just one building type. Any
- 18 building type can use the tool. Any building
- 19 type can use the tool to measure their energy
- 20 performance, track their changes, improvements
- 21 over time, track their cost on greenhouse gas
- 22 emissions.
- 23 Hotel is one of the space types that can
- 24 earn the 1 through 100 score through

- 1 benchmarking and Portfolio Manager.
- 2 COUNCILWOMAN REYNOLDS-BROWN: Okay.
- 3 MS. COOK: We have many hotels across the
- 4 country, many national organizations that are
- 5 using the tool in that industry and finding
- 6 success. In fact, a number of hotel owners and
- 7 managers were recognized recently in March in a
- 8 National ENERGY STAR Partner of the Year Award
- 9 Ceremony. We have got lots of success coming
- 10 out of that sector.
- 11 COUNCILWOMAN REYNOLDS-BROWN: Okay then.
- 12 That's very helpful to know.
- MS. COOK: Sure.
- 14 COUNCILWOMAN REYNOLDS-BROWN: We need to
- 15 pass that on to one of our constituents and
- 16 stakeholders who had legitimate concerns about
- 17 that particular industry.
- MS. COOK: And we will be happy to talk
- 19 further with them.
- 20 COUNCILWOMAN REYNOLDS-BROWN: Terrific. So
- 21 we need to make sure that that link happens.
- 22 Thank you both for your testimony.
- With that we'll ask, please, Mr. Doug
- 24 Hoffman, Brandywine Realty Trust, to step

- 1 forward. And we want to ask Panel Three to
- 2 prepare. That includes Michael Murray of
- 3 Nightingale Realty and John J. McCullough of Ten
- 4 Penn Center.
- 5 Good afternoon. Welcome.
- 6 MR. HOFFMAN: Good afternoon. Thanks very
- 7 much. Madam Chair, Members of the Committee, my
- 8 name is Doug Hoffman. I am President of BPG
- 9 Management Company. I'm here today in my
- 10 capacity as the Chair of the Building Owners and
- 11 Managers Association of Philadelphia commonly
- 12 referred to as BOMA. I'd like to thank you and
- 13 the entire Committee for giving me the
- 14 opportunity to testify today on this Bill.
- 15 As you may know, BOMA is a nonprofit
- 16 organization whose members provide within the
- 17 city limits alone over 51 million square feet of
- 18 office space for over a half a million office
- 19 workers conservatively valued at near \$20
- 20 billion. Member buildings include virtually all
- 21 of the major high-rise office towers in the
- 22 city. Our member buildings not only define the
- 23 Philadelphia skyline and add character to the
- 24 city, but are a tremendous economic driver for

- 1 the city and the region.
- I would like to state clearly at the outset
- 3 that energy efficiency and sustainability are of
- 4 the utmost importance to BOMA Philadelphia and
- 5 its member buildings. As a civic-minded
- 6 organization, BOMA stands ready to endorse those
- 7 courses of action to promote the City and the
- 8 Greater Philadelphia region as a safe, positive
- 9 and forward looking community. Natural
- 10 resources, regardless of cost, should never be
- 11 wasted. We are proud to collaborate with the
- 12 City and other organizations as we strive to
- 13 earn the moniker, "The Greenest City in
- 14 America."
- I would also be remiss if I did not thank
- 16 you for your coalition building method in
- 17 developing a legislation before us today. It is
- 18 BOMA Philadelphia's pleasure to work with you
- 19 Councilwoman, your legislative aide Katherine
- 20 Gilmore, the Mayor's Office of Sustainability
- 21 and the Delaware Valley Green Building Council.
- While Bill 120428 is well intentioned and
- 23 BOMA Philadelphia supports various facets of the
- 24 Bill, we are nevertheless concerned about the

- 1 impact of certain features of the legislation
- 2 and how it would adversely effect certain owners
- 3 of real estate. That being said, I've broken my
- 4 testimony into three distinct parts. The first
- 5 being benchmarking, the second being disclosure,
- 6 and the third addressing compliance and
- 7 technical issues.
- 8 First, BOMA Philadelphia is supportive of
- 9 benchmarking. As an industry, our members are
- 10 by and large extremely competitive. They
- 11 constantly seek to understand how their assets
- 12 perform relative to other properties in their
- 13 respective market class. We are always looking
- 14 for differentiators which set our properties
- 15 ahead of the competition. And those
- 16 differentiators tend to be things that are
- 17 exploited.
- In fact, for many years, BOMA has had the
- 19 Experience Exchange Report which enables owners
- 20 and managers of properties to confidentially
- 21 share their detail operating data in exchange
- 22 for a complete analysis prepared by BOMA. Not
- 23 only has this tool highlighted the strengths of
- 24 the property, but equally important has shown

- 1 owners and managers the focus upon for financial
- 2 and operating efficiencies.
- In short, benchmarking is an integral part
- 4 of the areas commercial real estate community.
- 5 It is one of the available tools that enables us
- 6 to operate our buildings more efficiently;
- 7 thereby, attracting and retaining tenants who
- 8 are seeking quality buildings in which to
- 9 conduct business.
- 10 Further, by voluntarily pursuing
- 11 certification such as ENERGY STAR, LEED and
- 12 BOMA's 360 Designation, our members seek to
- demonstrate their leadership, thereby, marketing
- 14 their advantage. The formerly surveyed, I would
- 15 suspect that 80 to 90 percent of BOMA member
- 16 buildings have already benchmarked their
- 17 properties utilizing the EPA's Portfolio Manager
- 18 Tool.
- 19 While Portfolio Manager is not without
- 20 flaws, if data is properly inputted, it enables
- 21 property owners to benchmark their property
- 22 effectively and to understand on a scale of 0 to
- 23 100 how their property performs relative to
- 24 national norms. It also enables operators of

- 1 buildings to put new operating strategies to the
- 2 test in order to understand if they move the
- 3 proverbial needle.
- 4 BOMA Philadelphia understands that
- 5 benchmarking is a nuanced process. While a
- 6 building's tenants may, in fact, have the
- 7 greatest impact on the building's overall energy
- 8 score, it's the buildings be rated and
- 9 effectively labeled. Furthermore, the Portfolio
- 10 Manager Rating is, in many instances, simply a
- 11 number. A number does not always tell the whole
- 12 story. Indeed, the Portfolio Manager Rating is
- only one indication of a building's overall
- 14 energy efficiency.
- 15 A building with a rating of 65 may very
- 16 well be more efficient than one that has an 80
- 17 rating. Simply, no two buildings are alike.
- 18 Building construction and internal systems can
- 19 vary greatly within a comparison class. In
- 20 fact, it is not uncommon for LEED certified
- 21 buildings to not be eligible or qualify for
- 22 ENERGY STAR certification.
- 23 If Bill No. 120428 is intended to enable
- 24 tenants and/or users to make educated and

- 1 informed decisions, then the disclosure must
- 2 facilitate the sharing of truly meaningful and
- 3 complete information. Education of tenants as
- 4 well as building owners will provide for a more
- 5 effective improvement in energy consumption.
- 6 The key to sustainability is profitability.
- 7 Insofar as disclosure is concerned, given
- 8 the aforementioned issues and the ratings are
- 9 greatly influenced by a building's tenants and
- 10 their use of the space, BOMA Philadelphia cannot
- 11 support a public disclosure vehicle that
- 12 penalizes a building based on its occupants.
- 13 This is not like the City's menu disclosure or
- 14 fuel efficiency label on a vehicle. In both
- 15 those cases, the chef or the automobile
- 16 manufacturer controls all the ingredients or
- 17 components. When it comes to Portfolio Manager
- 18 and benchmarking, a building owner only controls
- 19 a fraction of the total score rating.
- 20 While other markets across the country have
- 21 either adopted or are considering benchmarking
- 22 and disclosure laws, the true impact of
- 23 disclosure is not yet known. The notion of
- 24 shaming and/or penalizing a building because of

- 1 its energy score potentially forcing a tenant or
- 2 a building owner to invest capital dollars that
- 3 it might not have, can have devastating and
- 4 unintended consequences? As written, the Bill
- 5 can easily and unjustifiably apply a Scarlet
- 6 Letter to the building.
- 7 Picture a Class B or Class C property or
- 8 even a Class A property, which is struggling
- 9 with vacancy issue, low rents, rising taxes and
- 10 operating expenses now. Then consider that
- 11 tenants may opt not to move into or worse yet
- 12 move out of that building because of a rating
- 13 that is outside of an owners' control.
- An example would be a law firm which has
- 15 not a lot of computers, mostly office workers
- 16 with a company that manufacturers or services
- 17 computers who has a great electrical draw.
- 18 These things are sometimes outside of an owners
- 19 control. These can be the same tenants that
- 20 cause the low score. Under such circumstances,
- 21 we believe the values would be negatively
- 22 impacted which will in turn negatively impact
- 23 the City's tax base.
- 24 Sharing ENERGY STAR scores as well as

- 1 information about a building's sustainable
- 2 practices are the norm when responding to
- 3 request for proposals for a tenant. This
- 4 currently happens in a voluntary way. Mandating
- 5 the sharing of this information with a
- 6 perspective tenant would be redundant.
- 7 Compliance with the requirements of a Bill such
- 8 as 120428 is also a nuanced process. As
- 9 mentioned previously, the thought of marking a
- 10 building with the Scarlet Letter is extremely
- 11 problematic.
- 12 As a policy matter, BOMA Philadelphia does
- 13 not object to providing or sharing Portfolio
- 14 Manager Data to the City in an aggregate form
- 15 for the purpose of understanding how the
- 16 commercial sector is doing relative to the
- 17 Administration's established energy goals. But
- 18 that sharing comes with a request of this type
- 19 of property-specific data not be disclosed or
- 20 shared with the public. Rather than using the
- 21 energy data collected from Portfolio Manager to
- 22 publicly disclose or list buildings throughout
- 23 the City, potentially embarrassing some owners
- 24 including the City, BOMA suggests that the

- 1 information be used in a positive fashion.
- 2 As we see it, the City in concert with BOMA
- 3 and the DVGBC could collectively acknowledge the
- 4 champions or leaders. The Vision is an event
- 5 recognizing the top tier buildings or those
- 6 buildings that move the proverbial needle the
- 7 furthest in any given year. It is this type of
- 8 positive strategy that would encourage the
- 9 commercial sector. Buildings owners and
- 10 managers and tenants alike to purse energy
- 11 efficiency that will contribute to the City's
- 12 overall economic vitality. It could go a long
- 13 way towards promoting such efficiency as a
- 14 Citywide goal and encouraging all members of the
- 15 community to do their part to turn the ideal
- 16 into a reality.
- 17 With respect to some of the technical and
- 18 language based concerns not addressed in this
- 19 testimony, that would be provided under separate
- 20 cover.
- I would like to thank you again for the
- 22 opportunity to provide this testimony today.
- 23 Through our Codes and Legislation Committee we
- 24 hope to continue working with you on a bill that

- 1 results in a win for all parties. I would be
- 2 happy to address any specific questions you may
- 3 have. Depending on the nature of any questions,
- 4 I may invite our committee chairs to join me in
- 5 response.
- 6 COUNCILWOMAN REYNOLDS-BROWN: First, let me
- 7 thank you for your informative and very
- 8 instructive testimony. And I do have a couple
- 9 of questions, but we will first hear from the
- 10 Majority Leader Curtis Jones.
- 11 COUNCILMAN JONES: Thank you, Madam Chair.
- 12 And I'll be brief cause you have an ambitious
- 13 agenda.
- 14 Could some of the -- as I understand what
- 15 you said, some of them could be -- well, let me
- 16 back up. The problem is comparing apples to
- 17 oranges by way of building sizes. You gave the
- 18 example of a manufacturing company that has a
- 19 high electrical use versus a law office that may
- 20 not.
- 21 And in -- is your testimony to say that we
- 22 couldn't batch different types of buildings,
- 23 classify them in a way that gave a
- 24 apples-to-apples comparison or something else?

- 1 Is that the number one concern you have? I took
- 2 that from your testimony.
- 3 MR. HOFFMAN: Yeah. Thank you. You want
- 4 to answer?
- 5 MR. HAAS: Thank you.
- 6 COUNCILWOMAN REYNOLDS-BROWN: State your
- 7 name for the record.
- 8 MR. HAAS: Donald Haas. One of the
- 9 limitations of Portfolio Manager is it groups
- 10 all the different buildings into 15 different
- 11 sectors presently; hotels being one of them,
- 12 office buildings. And it's grouped by size, but
- 13 they are averages. You can have a central plant
- 14 system still in a same category as a distributed
- 15 plant system where you have a different HVAC
- 16 system. The building exterior could be of a
- 17 different composition which, one, may be more
- 18 efficient than another.
- 19 Again, it's an indicator. But you could
- 20 have two buildings in the same classification at
- 21 the opposite ends of the scale. That's where
- 22 the exact comparison can run into problems.
- 23 COUNCILMAN JONES: Well, I mean, I think
- 24 the purpose of this is to do those very

- 1 comparisons that you mention. And my thing I do
- 2 agree with you on, it's not an idea of giving a
- 3 building a Red Scarlet Letter. It's more to say
- 4 these are challenges that this building has and
- 5 over time can overcome.
- 6 And I think -- doesn't the natural
- 7 consumption of energy drive you to want to do
- 8 these things anyway because you want to maintain
- 9 a bottom line that is competitive with other
- 10 businesses similar to yours?
- 11 MR. HAAS: Correct. ENERGY STAR
- 12 certification is 75 or above presently. You
- 13 have a number of high quality buildings in the
- 14 City of Philadelphia, large high-rise buildings,
- 15 that can't achieve that energy score through no
- 16 fault of their own. They have done -- any of
- 17 the energy conversions that they have done on
- 18 the base building systems, but they don't
- 19 control -- none of us control what our tenants
- 20 do within their space either through
- 21 construction or operation.
- 22 So, that's our -- probably our greatest
- 23 concern is that Scarlet Letter, that low energy
- 24 score, is in no way indicative of the building

- 1 owners' willingness or even economic power to
- 2 change that. There is no way they can do it
- 3 when the tenants actually control the lion share
- 4 of the energy consumption.
- 5 A tenant fits out an office space. They
- 6 typically get a tenant allowance as part of
- 7 their deal. How they spend that money -- we
- 8 don't tell them they have to spend it in energy
- 9 upgrades. They are free to virtually spend that
- 10 money within constraints on fitting their space
- 11 out however they see fit. So, it's not
- 12 necessarily on the tenants' mind energy
- 13 efficiency. They are the ones paying the bill.
- MR. HOFFMAN: Some of the expense for
- 15 electric for a tenant, a certain tenant -- I'm
- 16 sorry, certain tenants depending on their use
- 17 can run electric expense at 3 or 4 or 5 dollars
- 18 a foot compared to what I mentioned before.
- 19 If you have a law firm that has lawyers
- 20 that work there. It's intellectual brain power
- 21 versus electric consumption a little bit, no
- 22 offense intended. I'm sorry. You know, so you
- 23 can get a firm that uses much less electric,
- 24 that costs much less. But what Mr. Haas had

- 1 just said was if the rating is publicly
- 2 disclosed and it just says one thing without any
- 3 background, it can be misleading to somebody
- 4 looking at it.
- 5 COUNCILMAN JONES: Well, I am going to have
- 6 to excuse myself, Madam Chair. President wants
- 7 to pull us in in small groups about some
- 8 matters.
- 9 COUNCILWOMAN REYNOLDS-BROWN: We will get
- 10 you on the back end.
- 11 COUNCILMAN JONES: And so, I will come
- 12 back. But I will be listening. I find this
- intriguing. And the one thing I learned from
- 14 government is that everyone doesn't see
- 15 everything with the same lens. But I do know if
- 16 it isn't measured, it isn't managed. And, you
- 17 know, I wrestle with trying to impose
- 18 regulations versus trying to encourage
- 19 improvements.
- 20 COUNCILWOMAN REYNOLDS-BROWN: Sure
- 21 COUNCILMAN JONES: So, thank you for your
- 22 testimony.
- MR. HAAS: Thank you. And we are fully
- 24 supportive of benchmarking.

- 1 COUNCILWOMAN REYNOLDS-BROWN: Make that
- 2 clear. So, the last page of your testimony --
- 3 and I quote with respect to some of the
- 4 technical and language based on concerns not
- 5 addressed in this testimony, we want to -- we,
- 6 my office, want to sit with you and Mr. Lews to
- 7 review how we get to the goal in the way that
- 8 Councilman Jones just articulated.
- 9 Because just in having offline conversation
- 10 here, it appears to me from where I sit that
- 11 there is still room for the operative word in
- 12 this body is compromise. So, we want to have
- 13 further discussion about that which could equal
- 14 potentially an additional amendment after I
- 15 speak with the Mayor's Office of Sustainability,
- 16 okay?
- 17 MR. HAAS: Thank you, Councilwoman.
- 18 COUNCILWOMAN REYNOLDS-BROWN: You're very,
- 19 very welcome.
- MR. HOFFMAN: Thank you.
- 21 COUNCILWOMAN QUINONES-SANCHEZ: Can I --
- 22 COUNCILWOMAN REYNOLDS-BROWN: I'm sorry.
- 23 Councilwoman, Maria Quinones-Sanchez. Please,
- 24 gentlemen, please be reseated.

- 1 COUNCILWOMAN QUINONES-SANCHEZ: I am sorry.
- 2 Just kind of to add with what Councilwoman
- 3 Blondell Reynolds-Brown was talking about, you
- 4 listed seven items of concern to you.
- 5 Were they in priority order as you
- 6 submitted them here are? Or of these seven
- 7 items, which are the two, three that you believe
- 8 make this Bill, yeah.
- 9 MR. HAAS: On the technical issues,
- 10 Councilwoman?
- 11 COUNCILWOMAN QUINONES-SANCHEZ: Yes,
- 12 please.
- 13 COUNCILWOMAN REYNOLDS-BROWN: State your
- 14 name for the record. Welcome.
- 15 MR. MCCLURE: They are actually address --
- 16 COUNCILWOMAN QUINONES-SANCHEZ: You got to
- 17 state your name for the --
- 18 MR. MCCLURE: Rich McClure, BOMA
- 19 Philadelphia.
- 20 They are actually in the order of -- as
- 21 they appear in the ordinance. We sort of, yu
- 22 know, two refers to subparagraph --
- 23 COUNCILWOMAN QUINONES-SANCHEZ: That's why
- 24 I wanted to ask you of the seven, because they

- 1 are quite extensive, what are the one, two,
- 2 three top items for you that --
- 3 MR. MCCLURE: Again, just big picture,
- 4 disclosure is our big -- big issue. And again,
- 5 I can't say -- some of the little nuancy things
- 6 that are in there are very easily addressed in
- 7 amending the legislation as it's been drafted.
- 8 COUNCILWOMAN QUINONES-SANCHEZ: So,
- 9 disclosure in terms of your willingness to share
- 10 data or be rated?
- 11 MR. MCCLURE: Public disclosure. No,
- 12 benchmarking is not an issue for us.
- 13 COUNCILWOMAN QUINONES-SANCHEZ: It's the
- 14 disclosure.
- 15 MR. MCCLURE: That's correct.
- 16 MR. HAAS: And disclosure with the City is
- 17 not a problem either. Public disclosure is.
- 18 COUNCILWOMAN QUINONES-SANCHEZ: Okay. So,
- 19 you would be okay with the benchmarking provided
- 20 that the City got the information, but that you
- 21 don't want it posted publicly.
- MR. MCCLURE: We don't want it on the
- 23 website.
- 24 COUNCILWOMAN QUINONES-SANCHEZ: Although,

- 1 you acknowledge that in your lease agreements
- 2 you do share that scoring with your tenants.
- 3 MR. HAAS: Upon request.
- 4 COUNCILWOMAN QUINONES-SANCHEZ: Oh, upon
- 5 request.
- 6 MR. HAAS: Everything in the real estate
- 7 business.
- 8 (Laughter)
- 9 COUNCILWOMAN QUINONES-SANCHEZ: Okay. So,
- 10 what would be number two for you of the items?
- 11 MR. HOFFMAN: Let me just look at it again.
- 12 Do you have the attachments?
- MR. HAAS: Well, the tenant compliance was
- 14 probably -- you know, part of the confusion, I
- 15 quess, that we would have on this is, you know,
- 16 you are asked to -- if the tenant owns the
- 17 meter, you have to get the information from the
- 18 tenant because presently the utility will not
- 19 provide the meter information to the building
- 20 owner. They will only provide it to who pays
- 21 the utility bill, and that is a problem for us.
- 22 And then the technical language of the
- 23 Bill, we're to ask the tenant for that
- 24 information within, I think it's February 15 to

- 1 March 15 -- February 1 to March 15. And then if
- 2 we don't get the information, then we can still
- 3 fill out the Portfolio Manager without that
- 4 information, but then it kind of becomes really
- 5 useless.
- 6 We think the legislation should be -- the
- 7 oweness should be on the utility to
- 8 be legislatively required to supply that to the
- 9 owner so that we can fill out a meaningful
- 10 Portfolio Manager Report.
- 11 COUNCILWOMAN QUINONES-SANCHEZ: So, you
- 12 want an exemption for when you can't gather data
- 13 from your tenant?
- MR. HAAS: No. We would like -- we would
- 15 prefer almost the flip of that. Have the
- 16 utility required to give us the information.
- 17 MR. MCCLURE: But if we can't get it, using
- 18 the Portfolio Manager Tool -- and the woman from
- 19 the EPA could probably address this more
- 20 specifically than we could. But the tool
- 21 doesn't work unless you have total building
- 22 data.
- MR. HAAS: Correct. So, to carve out a
- 24 tenant, whether it's a minor tenant or a major

- 1 tenant, really renders the entire Portfolio
- 2 Manager Exercise useless.
- 3 COUNCILWOMAN QUINONES-SANCHEZ: So, we'll
- 4 have them come up to the table and address that
- 5 specifically. And then your other piece?
- 6 Because some of these things are technicalities
- 7 with your tenant relationship that some of it
- 8 could be fixed through your initial lease.
- 9 COUNCILWOMAN REYNOLDS-BROWN: Regulation
- 10 possibly.
- 11 COUNCILWOMAN QUINONES-SANCHEZ: Yeah.
- 12 Anything else?
- MR. MCCLURE: Yeah, 3A. The way the Bill
- 14 was written --
- 15 COUNCILWOMAN QUINONES-SANCHEZ: The
- 16 amendments Councilwoman Blondell Reynolds has
- 17 put forth, does that your resolve your
- 18 commercial building classification concern?
- 19 MR. MCCLURE: We haven't seen the
- 20 amendments.
- 21 COUNCILWOMAN QUINONES-SANCHEZ: Okay. I
- 22 encourage you to do so before the hearing. I
- 23 don't want to take up anymore of your time, but
- 24 I would like the person from EPA to come in and

- 1 address the issue around the formula not
- 2 working.
- 3 COUNCILWOMAN REYNOLDS-BROWN: Please, Ms.
- 4 Leslie Cook and/or Alex Dews. You're welcome to
- 5 come back to the table.
- 6 And for anyone in attendance, there is
- 7 testimony, copies of the amendments and related
- 8 materials to my left over here for anyone's
- 9 review and use.
- 10 MR. MCCLURE: Thank you.
- 11 COUNCILWOMAN REYNOLDS-BROWN: You're
- 12 welcome.
- 13 MS. COOK: Thank you. So, it sounds like
- 14 you're looking for clarification on whole
- 15 building energy measurements.
- 16 COUNCILWOMAN QUINONES-SANCHEZ: According
- 17 to BOMA, part of the problem is that unless they
- 18 are able to fill all of the data, the matrix
- 19 gets skewed.
- Is that the case?
- MS. COOK: Well, Portfolio Manager is
- 22 intended to measure whole building energy
- 23 performance. There are ways to use the tool if
- 24 building owners are not able to collect whole

- 1 building energy data. They can track partial
- 2 building data. We encourage people to use whole
- 3 building data. That is what is calculated with
- 4 the 1 through 100 performance score.
- 5 We have seen -- to share our experience in
- 6 other jurisdictions where this kind of policy
- 7 has been put in place. In New York City, for
- 8 instance, Con Edison, the utility provider, once
- 9 that bill was introduced and passed, they
- 10 upgraded their customer service and did allow
- 11 building owners to access aggregate whole
- 12 building electricity information.
- 13 COUNCILWOMAN QUINONES-SANCHEZ: And they
- 14 did that voluntary?
- MS. COOK: Yes.
- 16 COUNCILWOMAN QUINONES-SANCHEZ: Okay.
- 17 Because we have PECO Energy coming next. We'll
- 18 ask them.
- 19 MS. COOK: Yes. They did that voluntarily.
- 20 There are a number of utilities around the
- 21 country that do work with Portfolio Manager in
- 22 various ways. This was one way that Con Ed
- 23 found a solution to provide building owners with
- 24 whole building electricity at the aggregate

- 1 level.
- 2 COUNCILWOMAN REYNOLDS-BROWN: Okay.
- 3 MS. COOK: I've also seen in other
- 4 jurisdictions.
- 5 For instance, Washington, DC, they have got
- 6 a similar policy to assist building owners to
- 7 request the data. They have put out template
- 8 request letters for tenant data that have
- 9 information included about the bill to help ease
- 10 that transaction.
- 11 COUNCILWOMAN REYNOLDS-BROWN: Do you know
- if that was done by way of law or regulation?
- 13 Do you know? We will figure that out -- I guess
- 14 we can figure that out on our end.
- 15 MS. COOK: Con Edison voluntarily developed
- 16 that customer service for better access to
- 17 aggregate data. In Washington, DC, the District
- 18 simply provided that tenant template --
- 19 COUNCILWOMAN REYNOLDS-BROWN: I see.
- 20 MS. COOK: -- request letter as a resource
- 21 for building owners.
- 22 COUNCILWOMAN REYNOLDS-BROWN: Okay.
- 23 COUNCILWOMAN QUINONES-SANCHEZ: Thank you.
- MS. COOK: Sure.

- 1 COUNCILWOMAN REYNOLDS-BROWN: Anything else
- 2 you'd like to add, Alex, please?
- 3 MR. DEWS: Yes, Councilwoman. One point of
- 4 clarification from the previous testimony from
- 5 BOMA. Just like to point out that as written
- 6 the legislation stipulates that the first year
- 7 for reporting to the City would be one year from
- 8 June 2012, so June 2013. But public disclosure,
- 9 the details of which would get worked out in the
- 10 regulations process.
- 11 As we have discussed, it would stipulate
- 12 that the first date of public disclosure would
- 13 not be until two years from now. So, there is
- 14 really a good bit of time for us to figure out
- 15 all of the kinks that may exist, you know, the
- 16 issues from the utility side as well as from the
- 17 commercial building owners' side. I think we
- 18 have had a lot of really productive
- 19 conversations all around on that already.
- 20 COUNCILWOMAN REYNOLDS-BROWN: Okay.
- 21 MR. DEWS: And I would assume that that
- 22 would continue. But I think there is a good
- 23 amount of time for building owners to understand
- 24 what their opportunities are and to work to

- 1 improve their Portfolio Manager scores.
- 2 COUNCILWOMAN REYNOLDS-BROWN: Okay then.
- MR. DEWS: During that time period. Thank
- 4 you.
- 5 COUNCILWOMAN REYNOLDS-BROWN: Thank you for
- 6 that clarity on the time line. That is always
- 7 important.
- 8 Okay. Let the record show that written
- 9 testimony is being submitted on behalf of
- 10 Michael Murray and John J. McCullough. They are
- 11 not able to be with us. So let's now call up --
- 12 oh, forgive me. They were able to arrive?
- 13 Please come forward then, sir.
- 14 Welcome. If you would state your name for
- 15 the record and proceed with your testimony.
- MR. MURRAY: Michael Murray.
- 17 COUNCILWOMAN REYNOLDS-BROWN: Okay.
- 18 MR. MURRAY: Good afternoon and thank you
- 19 for the privilege of testifying on this
- 20 important Bill. My name is Michael Murray. I'm
- 21 the Director of Operations for Nightingale
- 22 Realty.
- Nightingale owns the 1700 Market Street
- 24 building in Downtown Philadelphia, over 1

- 1 million square feet of Class A office space.
- 2 Since 2005, I've been in charge of operations at
- 3 1700 Market Street. And from 2005 to 2010, I
- 4 was also Director of Operations for 1601 Market
- 5 Street. My responsibilities include oversight
- 6 of facility maintenance, annual operating
- 7 budgets, tenant and capital improvement
- 8 management.
- 9 Every year since 2008 the buildings have
- 10 achieved the ENERGY STAR designation from the
- 11 Environmental Protection Agency for their energy
- 12 efficiency. And I am responsible for
- 13 participation in the ENERGY STAR Program. Based
- on my experience, benchmarking is relatively
- 15 easy to do and has benefitted our company.
- To participate in ENERGY STAR, we have gone
- 17 through the same benchmarking processes as the
- 18 Energy Disclosure Bill requires. We found the
- 19 Portfolio Manager Benchmarking Program
- 20 relatively easy to use. Gathering and entering
- 21 the initial information on the building was the
- 22 hardest part. We had to gather the information
- 23 about the size and mix of tenant uses for our
- 24 buildings, and had to gather a year's worth of

- 1 utility bills. Then we entered the information
- 2 in the Portfolio Manager just like the Bill
- 3 requires. And then the program does most of the
- 4 calculations for you.
- 5 After you gather and enter the initial
- 6 information, the updates are relatively simple,
- 7 also. We just enter our energy use into the
- 8 program when we get our utility bills every
- 9 month. Although, it wasn't that difficult for
- 10 us, smaller building owners would require some
- 11 training and additional support for the initial
- 12 setup in the Portfolio Manager Program.
- Our company has really benefitted from
- 14 benchmarking our buildings. For example, our
- 15 tenants pay for their energy use. So, we use
- 16 the benchmarking ENERGY STAR designation to
- 17 demonstrate to our tenants that we are managing
- 18 the buildings efficiently and that our capital
- 19 investments are being used to their benefit. It
- 20 makes our buildings more attractive to tenants.
- 21 Though, in some circumstances, tenants lack of
- 22 participation can impact overall scores.
- 23 Knowing our benchmarking score has also
- 24 spurred us to invest in energy-efficient capital

- 1 improvements for the building. Since 2008, we
- 2 have invested several million dollars to make
- 3 our building more energy efficient like HVAC,
- 4 electrical infrastructure, lighting upgrades,
- 5 also tenant outfits that meet and/or exceed
- 6 energy -- current energy code. Then we used a
- 7 benchmarking score to measure our performance
- 8 and to see the benefits of the capital
- 9 investments.
- We've been able to improve the energy
- 11 efficiency of our buildings. And our energy
- 12 score has grown over the years. Nightingale
- 13 hopes that its leadership in energy efficiency
- 14 shows this Council and other building owners the
- 15 benefits of benchmarking required by the Energy
- 16 Disclosure Bill.
- 17 Thank you again for this opportunity to
- 18 testify. I welcome any questions that Council
- 19 Members may have.
- 20 COUNCILWOMAN REYNOLDS-BROWN: Council any?
- 21 We thank you for your testimony, sir. Thank you
- 22 very, very much.
- MR. MURRAY: Thank you.
- 24 COUNCILWOMAN REYNOLDS-BROWN: You're

- 1 welcome.
- 2 If we could please call up members of the
- 3 nonprofit sector; Janet Milkman, Delaware Valley
- 4 Green Building Council; Andrew Sharp of Penn
- 5 Future, Next Great City; and Karen Stabenow,
- 6 Energy Coordinating Agency. This panel will be
- 7 followed by Elizabeth Murphy representing our
- 8 City's PECO.
- 9 Please state your name for the record and
- 10 proceed with your testimony.
- 11 MR. SHARP: My name is Andrew Sharp from
- 12 Next Great City Coalition. I'm the Philadelphia
- 13 Outreach Coordinator for Penn Future.
- Good afternoon, Council Members. As I
- 15 said, my name is Andrew Sharp. I am the
- 16 Philadelphia Outreach Coordinator for Penn
- 17 Future, a statewide environmental advocacy
- 18 organization. Penn Future is the lead
- 19 organization behind the Next Great City
- 20 Initiative, which is dedicated to creating a
- 21 positive future for Philadelphia by advocating
- 22 for common sense, cost-effective policies that
- 23 both enhance environmental quality and
- 24 strengthen neighborhoods.

- 1 Next Great City is backed by over 140
- 2 groups in Philadelphia from labor groups to
- 3 civic associations to faith groups all working
- 4 together to create a cleaner, safer healthier
- 5 city. I am here today to express the Next Great
- 6 City Coalition strong support for Bill 120428,
- 7 the Energy Benchmarking Bill before this
- 8 committee. I'd also like to recognize
- 9 Councilwoman Brown -- Reynolds-Brown for your
- 10 leadership in bringing this innovative
- 11 legislation forth.
- 12 One of the issues that Next Great City
- 13 members care most about is achieving a higher
- 14 degree of energy efficiency in this city,
- 15 particularly in our building stock. In a study
- 16 that the Next Great City Coalition commissioned
- in 2010 with Terry Madonna, 86 percent of
- 18 Philadelphians favored policies that would
- 19 increase energy efficiency in our residential
- 20 and commercial buildings.
- 21 Next Great City in coordination with the
- 22 Delaware Valley Green Building Council, the
- 23 energy coordinating agency and with technical
- 24 help from the Energy Efficient Buildings Hub,

- 1 convened the Coalition for an Energy Efficient
- 2 Philadelphia, otherwise known as C-E-E-P or
- 3 CEEP. The Coalition for an Energy Efficient
- 4 Philadelphia is a broad coalition of businesses,
- 5 institutions, public utilities, citizens and
- 6 organizations working together to achieve better
- 7 energy efficiency in our buildings. Our members
- 8 range from law firms like Cozen and O'Connor to
- 9 groups like the Building Industry Association of
- 10 Philadelphia to organizations like the Natural
- 11 Resources Defense Council and Penn Future.
- 12 As a first goal, we set out to encourage
- 13 energy benchmarking in commercial buildings.
- 14 For several months, members of our coalition
- 15 have participated in forums and hosted events
- 16 throughout the city, engaging the public at
- 17 large and bringing together stakeholders to
- 18 discuss energy benchmarking.
- 19 As you have heard in prior testimony and it
- 20 bears repeating, Philadelphia's commercial
- 21 building stock is on average 30 years old and
- 22 incredibly inefficient and outdated. Currently,
- 23 building owners and tenants are paying more for
- 24 their utilities than they need to because of

- 1 wasted energy. The good news is that our
- 2 buildings are really ripe for improvement and
- 3 cost savings. Substantial savings can be
- 4 achieved through simple, no cost measures to
- 5 curtail energy usage. But in order to realize
- 6 these cost savings, we need to know where we
- 7 stand. We need measurable data. And that is
- 8 why this bill is so important.
- 9 As energy prices continue to rise, energy
- 10 efficiency is becoming increasingly important to
- 11 our City's economic well being. Benchmarking is
- 12 critical to overcoming the information gap so
- 13 Philadelphians can make smarter, more cost
- 14 effective choices. Penn Future and the Next
- 15 Great City Coalition urge you to move the Bill
- 16 out of Committee for consideration by the
- 17 Council of the Whole.
- 18 Thank you. And I would be happy to answer
- 19 any questions.
- 20 COUNCILWOMAN REYNOLDS-BROWN: You're very
- 21 welcome. We thank you for your testimony and
- 22 for the important consistent work of Next Great
- 23 City.
- 24 Please state your name for the record and

- 1 proceed with your testimony.
- 2 MS. STABENOW: My name is Karen Stabenow.
- 3 Good afternoon and thank you for the opportunity
- 4 to testify on this important bill.
- 5 My name is Karen Stabenow from the Energy
- 6 Coordinating Agency, ECA. And I am here today
- 7 to testify in strong support of Bill No. 120428.
- 8 I've worked in the building energy efficiency
- 9 industry for more than 15 years, and can testify
- 10 to the advantages that buildings and
- 11 neighborhoods gain from energy efficiency first
- 12 hand.
- 13 ECA administers large scale residential
- 14 energy efficiency programs, both low income
- 15 energy and water conservation programs and
- 16 regional home performance programs. ECA
- 17 operates 15 neighborhood energy centers across
- 18 Philadelphia that serve as one stop shops for
- 19 all low income energy services and also operates
- 20 the Knight Green Jobs Training Center, which has
- 21 trained over 1,500 men and women to state and
- 22 national energy efficiency standards.
- 23 Commercial buildings including condominiums
- 24 and co-ops in Philadelphia contribute 40 percent

- 1 of the City's greenhouse gas emissions and
- 2 represent approximately one-half of the total
- 3 energy consumption of all buildings in the City.
- 4 Currently, commercial buildings, condominiums
- 5 and co-ops waste 40 to 75 percent of the energy
- 6 they consume. And whether compared to
- 7 electricity or natural gas, energy-efficiency
- 8 improvements in buildings typically cost less
- 9 than half as much as the energy they save.
- 10 Clearly, this is a sector that needs to be
- 11 addressed in terms of energy efficiency.
- 12 Benchmarking buildings is the first step in
- 13 that direction as it gives building owners and
- 14 tenants the basic information they need to
- 15 improve the energy efficiency of their
- 16 buildings. By tracking a building's water and
- energy consumption with the EPA's Portfolio
- 18 Manager, building owners can set investment
- 19 priorities, identify underperforming buildings,
- 20 verify efficiency improvements, receive EPA
- 21 recognition if eligible and most importantly
- 22 save money. Tracking this information enables
- 23 building owners to compare the building's energy
- 24 intensity to similarly sized commercial

- 1 buildings already benchmarked across the
- 2 country.
- When a building is managed more
- 4 efficiently, it operates at a lower cost.
- 5 Tenants are generally more comfortable, more
- 6 productive and have fewer complaints.
- 7 Philadelphia's existing commercial buildings are
- 8 on average, as said, more than 30 years old.
- 9 This means that most of these buildings in
- 10 Philadelphia have outdated, inefficient and
- 11 oversized mechanical systems. By developing a
- 12 comprehensive plan to update a building's
- 13 envelope, building owners will find that their
- 14 buildings will require smaller HVAC equipment
- 15 for heating and cooling, improved lighting while
- 16 lowering the actual cost of lighting and reduce
- 17 water comsumption.
- 18 Benchmarking also provides the opportunity
- 19 to establish partnerships with city agencies
- 20 such as the Philadelphia Water Department to
- 21 reduce storm water runoff and to establish
- 22 passive strategies to reduce the heat island
- 23 effect and building cooling loads. Another huge
- 24 benefit that this Bill will have in Philadelphia

- 1 is job creation.
- 2 Energy efficiency is the cleanest, cheapest
- 3 and safest form of energy and it also creates
- 4 the most jobs. Most importantly these jobs are
- 5 local. This Bill will create jobs for energy
- 6 auditors, installers, inspectors, analysts and
- 7 many others helping to strengthen our local
- 8 economic. This has been the experience in every
- 9 city that has adopted benchmarking including
- 10 Seattle, Austin and New York City.
- Just as the buildings will become more
- 12 resilient and able to weather a future of higher
- energy prices, so the City's economy will also
- 14 become stronger with more residents employed in
- 15 a clean energy sector. We anticipate that this
- 16 Bill will also strengthen tenant/landlord
- 17 relationships. Both building owners and tenants
- 18 will be encouraged to work together. This is an
- 19 activity that will build a sense of common
- 20 purpose within the building community in
- 21 Philadelphia to achieve greater energy
- 22 efficiency. It will spark a conversation
- 23 between tenants and landlords about energy
- 24 efficiency and help all participants to develop

- 1 energy-efficiency improvements. The cheapest
- 2 and most available new energy is the energy we
- 3 waste. In ECA's judgment, this is a critical
- 4 component of this Bill and a vital reason why
- 5 City Council should pass the Bill.
- 6 We commend Councilwoman Reynolds-Brown for
- 7 her leadership. And urge Council to include
- 8 condominiums and co-ops in this Bill and to pass
- 9 this Bill without delay so that we can start
- 10 saving energy and money in our buildings.
- 11 Thank you again for the opportunity to
- 12 testify. And I welcome any questions.
- COUNCILWOMAN REYNOLDS-BROWN: We thank you
- 14 for your testimony, Energy Coordinating Agency.
- 15 Any questions or comments, Council Lady? Okay
- 16 then.
- 17 If we can please proceed with the Delaware
- 18 Valley Green Building Council who along with
- 19 BOMA and others have been at the table from
- 20 square one with us. Thank you very much.
- MS. MILKMAN: My name is Janet Milkman.
- 22 I'm the Executive Director of the Delaware
- 23 Valley Green Building Council. We are the local
- 24 chapter of the US Green Building Council. We

- 1 have about 800 members in our region from the
- 2 Green Building Industry. They are from
- 3 construction, real estate, architecture,
- 4 engineering, building systems, building owners
- 5 and operators, lenders, accounting and law firms
- 6 including 400 that live and work in
- 7 Philadelphia.
- I am here today to offer our support for
- 9 the Energy Benchmarking Bill No. 120428. And we
- 10 thank Councilwoman Blondell Reynolds-Brown for
- 11 her leadership in introducing this Bill. I am
- 12 just going to make two points because I think
- 13 that the folks who are coming behind us have
- 14 some important things to say. And my written
- 15 testimony gives a lot of data that you have
- 16 heard already.
- 17 The first point I want to say is that the
- 18 important thing about this Bill is that it
- 19 includes both benchmarking and disclosure. Some
- 20 may prefer incentives over mandates, but we
- 21 already have incentives. We already have a
- 22 recognition program for building owners that
- 23 benchmark their buildings. And it's called
- 24 ENERGY STAR labeling. You can already get

- 1 recognized for having an energy efficient
- 2 building. You can already get recognized for
- 3 having a LEED building. You don't need more
- 4 incentives, but what we do need is more
- 5 information for both building owners and
- 6 consumers. We need to bring along the
- 7 followers. We are already recognizing the
- 8 leaders.
- 9 Again, as Karen said, this is an
- 10 opportunity in your legislation. There is an
- 11 opportunity for building owners and tenants to
- 12 work together to learn about ways. And there
- 13 are many easy, simple and cost-effective ways to
- 14 save energy in their buildings, to make them
- 15 more comfortable, to make -- to save them money.
- 16 Some of our members have talked about
- 17 concerns that are related to the implementation
- 18 side of this. They do not have concerns related
- 19 to the legislative side. If this Bill passes,
- 20 and we hope it does, DVGBC stands ready to
- 21 support Council and the City Administration and
- 22 other partners to ensure effective and efficient
- 23 program implementation. We have thought a lot
- 24 about how to address some of the issues that

- 1 have come up in other cities. And we have
- 2 learned from that experience. We believe we can
- 3 find effective solutions. We think this Bill
- 4 means -- will level the playing field and
- 5 provide data access to both consumers and
- 6 building owners alike. It's fair. It's doable.
- 7 It's important.
- 8 And we thank you for your leadership and
- 9 encourage you to pass it.
- 10 COUNCILWOMAN REYNOLDS-BROWN: We thank you
- 11 all for your testimony. And the philosophy we
- 12 operate in out of my office is that there is no
- 13 pride in authorship. It's about getting to a
- 14 better bill. So, we are open to the ideas,
- 15 recommendation or suggestions you might have
- 16 around implementation. Okay. Thank you very
- 17 much.
- If we can please invite up now Elizabeth
- 19 Murphy from PECO. And our final panel will
- 20 include but not be limited to Andrew Burr,
- 21 Institute for Market Transformation. If you can
- 22 prepare to move after this next witness; Laurie
- 23 Actman from Hub and Paul Spiegel, the Practical
- 24 Energy Solutions. This is Ms. Murphy from PECO.

- 1 Welcome.
- 2 MS. MURPHY: Good afternoon. Good
- 3 afternoon. Thank you very much.
- I am Liz Murphy with PECO. Philadelphia's
- 5 electric distribution company. And I am joined
- 6 today by Tom Bonner, also with PECO, who has
- 7 been working with the staff and some of the
- 8 stakeholders on the legislation. So, I've just
- 9 ask Tom to sit --
- 10 COUNCILWOMAN REYNOLDS-BROWN: Surely.
- 11 MS. MURPHY: -- in case there are some
- 12 specific questions that I can't answer.
- I think that you all know that PECO has
- 14 been a leader in promoting energy efficiency.
- 15 In fact, sitting in this room today about three
- 16 years ago we worked with the City to improve the
- 17 lighting, saving approximately 75 percent of the
- 18 energy based on the new lighting. So, this in
- 19 addition to our Smart Ideas Programs in which we
- 20 have throughout the City, we've been able to
- 21 save our customers \$153 million in electricity
- 22 charges. We've paid customers over \$67 million
- 23 in rebates. And we really with our energy
- 24 efficiency programs have been able to -- they

- 1 resulted in the equivalent of planting 1.1
- 2 million trees and getting 96,000 cars off the
- 3 highway annually.
- 4 We were also just this past winter honored
- 5 by EPA for the ENERGY STAR of the Year Award for
- 6 our Smart Ideas Program. So, we commend both
- 7 you Councilwoman and the Committee for looking
- 8 at this issue. Even Exelon, our parent company,
- 9 has been working on energy efficiency as a
- 10 cornerstone for the Exelon 2020 program.
- We agree with you and many of the other
- 12 speakers today that building energy efficiency
- 13 programs represent one of our best opportunities
- 14 to achieve cost-effective reductions in
- 15 emissions and efficiency improvements. With
- 16 regard to the proposed legislation, PECO wants
- 17 to emphasize -- and the speaker from EPA
- 18 discussed this -- Portfolio Manager is available
- 19 right now. Folks that have access to their PECO
- 20 bills, either paper or electronically, have the
- 21 ability to process the information through
- 22 Portfolio Manager.
- 23 We understand also our customers' interest
- 24 in receiving automated downloads that are

- 1 formatted specifically for Portfolio Manager,
- 2 but we have concerns in two areas that we
- 3 believe merit some additional attention that I'd
- 4 like to speak about.
- 5 First, we do not believe that the legal
- 6 landscape regarding customer privacy and the
- 7 release of billing information into government
- 8 sponsored, benchmarking tools is an entirely
- 9 settled manner. And we heard a little bit of
- 10 that this afternoon from the representatives
- 11 from BOMA. Because this could raise some legal
- 12 liability issues for PECO and privacy concerns
- for our customers, we suggest that discussions
- 14 be held amongst stakeholders to develop
- 15 resolutions to this issue before the legislation
- 16 is finalized.
- 17 Secondly, we have engaged with local
- 18 stakeholders, including the City of
- 19 Philadelphia, about the potential for PECO to
- 20 provide automated download of customer data
- 21 directly from our system into the Portfolio
- 22 Manager. These are complex issues related to
- 23 development of IT platforms. And the timing and
- 24 the release of the information should be

- 1 coordinated with any kind of new version of
- 2 Portfolio Manager. So, we just want to make
- 3 sure that any new platforms for Portfolio
- 4 Manager or any new automated systems that are
- 5 being developed by PECO are coordinated.
- 6 In addition, PECO believes that there are
- 7 four core principles related to these issues
- 8 that should be considered as part of the
- 9 legislation.
- 10 First, PECO must only be asked to provide
- 11 data in one standardized format that is
- 12 compatible with Portfolio Manager. And I talked
- 13 a little bit about that. We want to make sure
- 14 that the timing is consistent.
- 15 We also believe that the implementation
- 16 should be timed so that PECO does not develop a
- 17 system that quickly becomes obsolete upon
- 18 updates to the Portfolio Manager.
- 19 Third, any of the provisions of the
- 20 automated transfer should be -- not be an
- 21 unfunded mandate to PECO. We want to make sure
- 22 that we have got cost recovery under approval
- 23 from the Public Utility Commission or that it's
- 24 a fee based service.

- 1 And finally, customers, not PECO, should be
- 2 responsible for preparing and maintaining the
- 3 list for automated transfer using templates
- 4 provided by PECO. So again, I think consistent
- 5 with the automation side which is very complex,
- 6 we just want to make sure that we are
- 7 coordinated.
- 8 We again, thank Council for the opportunity
- 9 to testify. We thank you for your leadership
- 10 and thoughtfulness to this issue. And we are
- 11 willing and ready to assist with any further
- 12 amendments. Thank you.
- 13 COUNCILWOMAN REYNOLDS-BROWN: Okay then.
- 14 Council Lady, any questions?
- 15 COUNCILWOMAN BLACKWELL: We wanted to say
- 16 thank you and let you know that Ed McBride is
- just the best thing PECO could have.
- 18 MS. MURPHY: I know.
- 19 COUNCILWOMAN BLACKWELL: He's our guy.
- 20 MS. MURPHY: And I know he didn't tell you
- 21 to say that this afternoon.
- 22 COUNCILWOMAN BLACKWELL: Absolutely not.
- MS. MURPHY: Thank you very much for the
- 24 compliment.

- 1 COUNCILWOMAN REYNOLDS-BROWN: We appreciate
- 2 his presence every week. And know that we are
- 3 going to certainly do the follow up on your
- 4 offer to sit with BOMA, the Mayor's Office of
- 5 Sustainability and the Bill Green Council and
- 6 anyone else around this issue of disclosure.
- 7 That appears to be the unfinished wrinkle. And
- 8 we need to figure that out as we move forward.
- 9 So thank you for the offer.
- 10 MS. MURPHY: Thank you very much.
- 11 COUNCILWOMAN REYNOLDS-BROWN: If we could
- 12 please invite Andrew Burr, Institute for Market
- 13 Transformation; Laurie Actman of Hub; and Paul
- 14 Spiegel, Practical Energy Solutions.
- 15 Anyone else care to testify on this Bill
- 16 please alert us as we move towards the end of
- 17 this Public Hearing.
- 18 Good morning. Please state -- good
- 19 afternoon it is. State your name for the record
- 20 and proceed with your testimony.
- 21 MR. BURR: Andrew Burr, Institute for
- 22 Market Transformation. Chair Reynolds-Brown,
- 23 Members of the Committee, good afternoon and
- 24 thank you for the opportunity to testify. I

- 1 will make this brief.
- 2 The Institute for Market Transformation is
- 3 a national nonprofit organization promoting
- 4 energy efficiency in buildings. As you know, a
- 5 growing number of cities are implementing
- 6 benchmarking and disclosure programs. IMT is
- 7 acting as an adviser to many of these cities
- 8 including New York City, Mayor's Office of Long
- 9 Term Planning and Sustainability; Boston Energy;
- 10 the Municipal utility implementing the Austin
- 11 Ordinance; Seattle Office of Sustainability and
- 12 Energy; San Francisco Department of Environment;
- 13 and District of Columbia Department of
- 14 Environment. I would be happy to answer any
- 15 questions you have about these existing
- 16 programs.
- 17 Philadelphia will benefit tremendously from
- 18 the implementation frameworks and best practices
- 19 that are being piloted by these cities. And I
- 20 also believe that this bill leaves sufficient
- 21 flexible to tailor this program to this City's
- 22 needs and the needs of Philadelphia
- 23 stakeholders. Just a few words on benchmarking
- 24 disclosure.

- 1 The reason that all of these cities have
- 2 adopted these program are the same. It is to
- 3 increase and sustain demand for energy
- 4 efficiency improvements in existing buildings
- 5 which will save energy, reduce greenhouse gas
- 6 emissions, reduce consumer energy cost
- 7 especially to businesses and create jobs. You
- 8 are not going to do that solely through
- 9 financial incentives, which has been the vehicle
- 10 of choice for so long for existing buildings.
- 11 The demand dries up as soon as the money dries
- 12 up. So, you do that two ways. And this is what
- 13 the cities have found.
- One, institutionalize energy assessment,
- 15 i.e., benchmarking. Because if building owners
- 16 don't know how their building is performing,
- 17 they probably aren't going to try to improve.
- 18 And the second is to make information
- 19 transparent same way that fuel efficiency is
- 20 transparent for vehicles, nutritional
- 21 information is transparent for food. These
- 22 cities are not looking at public disclosure as a
- 23 Scarlet Letter or a name in shame. They are
- 24 looking at it as one more data point in 50 or a

- 1 100 data points that a real estate consumer
- 2 looks at prior to a transaction. And to keep
- 3 things in perspective, put against rent and
- 4 location and other tenants and so forth. We do
- 5 not feel like that disclosure of a performance
- 6 metric is going to throw any building into
- 7 financial distress.
- 8 This Bill does both of those things
- 9 institutionalizes benchmarking and provides for
- 10 disclosure. And that's why IMT supports this
- 11 Bill.
- 12 Thank you very much.
- 13 COUNCILWOMAN REYNOLDS-BROWN: I thank you
- 14 very, very much. I must say parenthetically
- 15 that I am having a deja vu as we sat three or
- 16 four years ago around menu labeling and concerns
- 17 raised around my Menu Labeling Bill. Fast
- 18 forward X number of years later, and it's been
- 19 embraced in ways that we didn't realize.
- 20 So, there is a lot to be said for making
- 21 information transparent. It really isn't how we
- 22 do it. So, I thank you very much for your
- 23 testimony.
- 24 Please, sir, state your name for the

- 1 record.
- 2 MR. SPIEGEL: My name is Paul Spiegel. I
- 3 am President of Practical Energy Solutions. And
- 4 I want to thank you for giving me the chance to
- 5 testify today. I've got a background in both
- 6 engineering and economics. I teach in the
- 7 Department of Civil and Environmental
- 8 Engineering part time at Temple University. I
- 9 also have a degree in economics. And I found
- 10 that I actually have been highly trained to bore
- 11 people in more ways than just about anybody else
- 12 you know. But I do want to get right to the
- 13 point here and try not to be repetitive in what
- 14 other people talked about.
- 15 People at my company and our clients have
- 16 seen how important information is in managing
- 17 buildings and understanding energy use. Having
- 18 some kind of knowledge and information to help
- 19 you manage your building is really the critical
- 20 first step in understanding what's going on and
- 21 whether you even have an energy problem or
- 22 opportunities to reduce your energy consumption.
- I can liken it to something like a
- 24 cholesterol test. And you can get a cholesterol

- 1 test that tells you your cholesterol level is
- 2 210, but it doesn't really mean anything unless
- 3 you are benchmarking it against some standard.
- 4 So, it's important to understand that, you know,
- 5 at some point 210 was actually pretty good but I
- 6 think now it qualifies me to be on Lipitor or
- 7 something like that. But you need something
- 8 besides a raw number.
- 9 So if I told someone you are paying \$6 per
- 10 square foot for energy in your building space or
- 11 you have an EUI of 185 kila BTUs or KBTUs, it
- 12 really doesn't mean anything to people unless
- 13 it's put into some kind of context and
- 14 comparison with other buildings. So again, the
- 15 benchmarking component of this Bill is critical
- 16 to understand where you stand.
- 17 Through the ENERGY STAR Portfolio Manager,
- 18 a building is scored on a rating of 1 to 100.
- 19 Obviously, with 100 being the high score and a
- 20 positive thing. Anything over a 75 is actually
- 21 considered an A score. You get an award, an
- 22 ENERGY STAR label for your building. It's a
- 23 very, very positive thing.
- What we found for our clients that get a

- 1 score of 11 on their building, it's not a
- 2 Scarlet Letter for them. Just means they have
- 3 significant opportunity that goes well beyond
- 4 just the tenant impact on energy use. There
- 5 is -- if you have a score of 11, it means there
- 6 are issues with your building envelope, your
- 7 management system, your HVAC systems, your
- 8 lighting. So, it means you have all of these
- 9 opportunities to get better.
- 10 Now typically, when a law is up for
- 11 adoption, the people who aren't going to look
- 12 good or gonna be made to -- in this disclosure
- 13 portion, people with lower scores are likely
- 14 going to be not in favor of this Bill. It's
- 15 something that my wife once said that if they
- 16 passed a law or considered a law for people that
- 17 talked too much, that I would be against it.
- 18 But she and my kids would actually support it
- 19 wholeheartedly.
- 20 So again --
- 21 COUNCILWOMAN REYNOLDS-BROWN: Do you agree?
- 22 MR. SPIEGEL: -- it's all about
- 23 opportunity.
- 24 COUNCILWOMAN REYNOLDS-BROWN: Do you agree?

- 1 MR. SPIEGEL: Huh?
- 2 COUNCILWOMAN REYNOLDS-BROWN: Do you agree?
- 3 MR. SPIEGEL: Do I agree that I talk to
- 4 much? I agree that. Yes.
- 5 COUNCILWOMAN REYNOLDS-BROWN: That your
- 6 children would agree with that?
- 7 MR. SPIEGEL: Yes. Absolutely. They would
- 8 be in favor of such a law, I would say.
- 9 But there is also this idea that disclosure
- 10 bill would penalize old buildings and maybe put
- 11 newer buildings in a better light. But we found
- 12 that there really is no direct relationship
- 13 between the age of a building and the ENERGY
- 14 STAR score. There are so many things that go
- 15 into it. Some older buildings have done certain
- 16 retrofits. Some older buildings are managed
- 17 better than some of the newer buildings.
- So, we have seen three, four-year-old
- 19 buildings with ENERGY STAR scores of 20, even
- 20 LEED certified buildings in the past where some
- 21 new buildings -- some of the older buildings are
- 22 achieving this ENERGY STAR label. So, it's
- 23 really important to kind of bring that
- 24 competitive feeling among all of the real estate

- 1 owners to disclose this information to make sure
- 2 it's publicly available, to make sure the people
- 3 shopping for office space have proper
- 4 information on which to make their decision.
- 5 And I will end with a little thing from
- 6 economics that often people say let market
- 7 forces work and you don't need legislation. The
- 8 market will work everything out. But that
- 9 always assumes that there is perfect information
- 10 available on which people make decisions. And
- in this case, that information is not available.
- 12 And this law helps people get information, helps
- 13 them make decisions about managing their
- 14 buildings or even where to locate.
- 15 And I support this Bill. And I think it's
- 16 a great thing for the City.
- 17 COUNCILWOMAN REYNOLDS-BROWN: I thank you
- 18 very much for your testimony. And for me, it's
- 19 always exciting to have members from academia to
- 20 come and speak on an issue. Appreciate your
- 21 testimony.
- 22 As we move to our last witness, I would
- 23 like to send a message to Members of this
- 24 Committee to join us as we will soon conclude

- 1 the Public Hearing and move to a Public Meeting.
- 2 And let me also seize the moment to salute
- 3 Councilmember James Kenney who's principally
- 4 responsible for even the creation of a Committee
- 5 on the Environment and Sustainability, I think
- 6 now, four or five years ago recognizing fully
- 7 that the environment -- it is the future, and we
- 8 as a City need to be smart about how we help to
- 9 make our city a more greener one.
- 10 With that, we will move to our last
- 11 witness. Laurie Actman of Hub. Can you tell us
- 12 what the acronym stands for.
- MS. ACTMAN: Yes. It's Laurie Actman with
- 14 the Energy Efficient Building Hub.
- 15 COUNCILWOMAN REYNOLDS-BROWN: Very well.
- 16 Proceed with your testimony.
- 17 MS. ACTMAN: Okay. I will also try to be
- 18 brief, since I'm the last person formally to
- 19 speak.
- 20 Chairman Reynolds-Brown and Members of the
- 21 Committee, thank you for the opportunity to
- 22 testify today. I am, again, Laurie Actman, the
- 23 Deputy Director of the Energy Efficient
- 24 Buildings Hub.

- 1 The Hub was established as an energy
- 2 regional innovation cluster at the Navy Yard in
- 3 February 2011. We won a national competition
- 4 and have \$130 million from the Department of
- 5 Energy and other federal agencies as well as the
- 6 Commonwealth of Pennsylvania. As a multiagency
- 7 sponsored E-RIC, the Hub is unique dual mission
- 8 of improving energy efficiency in buildings and
- 9 promoting regional economic growth and job
- 10 creation. Our goal is to reduce commercial and
- 11 multifamily building energy use by 20 percent by
- 12 2020 in Greater Philadelphia. We believe this
- 13 legislation could help us achieve that goal.
- Both City Council and the Mayor have
- 15 undertaken significant initiatives that are
- 16 contributing to Philadelphia's position as a
- 17 sustainability leader and have enabled us to
- 18 effectively compete for national investment that
- 19 supports energy innovation. Our Hub is the
- 20 latest success story of all of this partnership
- 21 and effort.
- 22 Since 2009, Philadelphia and the region
- 23 have attracted over 350 million federal dollars
- 24 to invest in our city and region's electricity

- 1 infrastructure and energy savings goals.
- 2 Greenworks is a great example with its
- 3 articulated goals of 30 percent reduction in
- 4 City government buildings and 10 percent
- 5 reduction in the City as a whole. Two weeks
- 6 ago, we testified about the new Philadelphia
- 7 Energy Authority and how it can contribute to
- 8 the City's and the Hub's energy efficiency
- 9 sustainability goals.
- So, we really believe this legislation will
- 11 further position the City as a national and
- 12 international leader and that's important
- 13 because there is all this investment available
- 14 that we can compete for if we have the right
- 15 leadership and the right legislation in place.
- 16 So, I just wanted to highlight a few key things
- 17 from my written testimony. And the first one is
- 18 some characteristics of our real estate market.
- 19 Last fall we commissioned a study to really
- 20 kind of assess the opportunity for retrofit in
- 21 the region. We looked at buildings between
- 22 20,000 and 100,000 square feet. And we found
- 23 that nearly half of these buildings are kind of
- 24 good candidates for retrofit and they are ready

- 1 to go. We also found that if we undertook all
- 2 this activity, we can generate \$618 million in
- 3 local spending and support over 23,000 jobs.
- 4 For buildings of all sizes, we found that nearly
- 5 80 percent of properties in the region are
- 6 retrofit redid. This is over 7,000 properties
- 7 with the square footage of over 300 million
- 8 square feet. We also found that Philadelphia's
- 9 energy expenditures are 29 percent above the
- 10 national average and the fourth highest among
- 11 major cities.
- 12 Finally, we found that the top 25 property
- owners in the region own barely 10 percent of
- 14 all commercial buildings revealing how diffuse
- 15 the ownership of mid size commercial properties
- 16 is in the Philadelphia area. Even our two
- 17 largest real estate owners Brandywine Realty
- 18 Trust and Liberty Property Trust account for
- 19 only 3 percent of all commercial space.
- 20 So, what all this information really tells
- 21 us is that our market and the city and the
- 22 region has huge potential in terms of energy
- 23 efficiency and retrofit activity, but we need
- 24 new tools to spur education and interest and

- 1 energy efficient commercial space among owners
- 2 and tenants especially because the majority of
- 3 our commercial stock is not owned by these
- 4 larger, well resourced companies who may be
- 5 already benchmarking their buildings and have
- 6 the time and ability to do that. So we really
- 7 think that this is another tool that would
- 8 enable more owners to leverage existing programs
- 9 and incentives and get educated about what their
- 10 buildings do to spur interest.
- 11 So, I don't want to repeat what has already
- 12 been said about the value of benchmarking. But
- 13 I think there were three key messages that other
- 14 folks have said that I want to echo. One is you
- 15 can't manage what you don't measure. So again,
- 16 this is getting more building owners interested
- in what their building does by just basic
- 18 understanding of how it uses energy.
- 19 I think this is not about shame. It's
- 20 about transparency. There is a few things that
- 21 make this maybe a higher hurdle that I think we
- 22 can work on. But this is really about
- 23 accelerating demand. And again, as Janet
- 24 Milkman said, this is really not about the

- 1 leaders but about the followers and how can we
- 2 get more building owners interested in what
- 3 their buildings do and make improvements so that
- 4 they will save energy.
- 5 So again, we think this legislation will
- 6 help accelerate the market for retrofit in the
- 7 region, generate interest and demand and kind of
- 8 move the whole effort forward.
- 9 There is a few implementation issues that
- 10 have kind of been alluded to here. I know that
- 11 the partners around the table and the folks
- 12 involved in this effort will be able to address
- 13 these issues. And we're certainly committed to
- 14 working with everyone to address them, as well.
- 15 One is around sub metering and the way that
- 16 most leases for commercial space work is that
- 17 the tenant carries the cost of occupancy
- 18 including the utility bills. This can make it
- 19 hard for an owner to disclose energy use if they
- 20 don't have access to utility expenditures.
- 21 However, as was mentioned before, there are
- 22 utilities implementing strategies to make it
- 23 easier for building owners to access their data.
- 24 I think it's very encouraging that PECO is

- 1 exploring this. We are already working with
- 2 PECO and our utility commissioners to kind of
- 3 recommend strategies around whole building data
- 4 access. We are also working directly with New
- 5 York City to help them analyze and manage their
- 6 benchmarking data. We think there are some key
- 7 lessons learned from that work that we can apply
- 8 to Philadelphia as this effort moves forward.
- 9 One of the other challenges is the split
- 10 incentives around leases. And we are also
- 11 working with a number of partners here to come
- 12 up with new products such as green leases and
- 13 other strategies to address the split incentives
- 14 between owners and tenants. And we think this
- 15 will be another way to address some of the
- 16 challenges in the market and move forward and
- 17 accelerate the ability to retrofit buildings and
- 18 really comply with the legislation.
- 19 So in conclusion, we are committed to
- 20 helping provide implementation support to the
- 21 City, PECO, utilities, building owners and
- 22 tenants so that this proposed legislation
- 23 achieves the desired energy savings and economic
- 24 outcomes that everyone intends.

- 1 Thank you for allowing us to testify.
- 2 COUNCILWOMAN REYNOLDS-BROWN: You're
- 3 absolutely welcome. Again, we thank all of you
- 4 who have offered testimony and also heightened
- 5 our awareness of a few, I will call them,
- 6 wrinkles. That I'm optimistic that we can work
- 7 through.
- 8 At this hour we do have a quorum. And let
- 9 me restate that there are amendments to this
- 10 Bill, and everyone is welcome to copies of those
- 11 amendments on the side which will move us a step
- 12 closer to having a better bill knowing full well
- 13 this is not the end of the road.
- 14 This will conclude the Public Hearing of
- 15 the Committee on the Environment. And we will
- 16 now go into a Public Meeting; whereby, I will be
- 17 appointing Majority Leader Councilman Jones to
- 18 be a part of this quorum. And I should also
- 19 mention that the Founder of the Committee on the
- 20 Environment is with us, Councilman James Kenney.
- 21 So, with that -- let me also acknowledge
- 22 Councilwoman Marion Tasco who has been with us
- 23 and listening trying to split herself in half in
- 24 her office at another meeting and with this

- 1 Committee, as well.
- 2 So with that, the Chair recognizes Majority
- 3 Leader Councilman Jones for a motion to amend
- 4 Bill No. 120428.
- 5 COUNCILMAN JONES: Thank you, Madam Chair.
- 6 On behalf of you, Ms. Brown, I offer an
- 7 Amendment to Bill No. 120428 and move that we
- 8 adopt the amendments.
- 9 COUNCILWOMAN REYNOLDS-BROWN: Yes. We want
- 10 the record to reflect that there are five
- 11 amendments, all of which are stated technical
- 12 amendments that are available for your review on
- 13 this Bill 120428.
- 14 Bill No. 120428 has been moved -- can I
- 15 hear a second, please.
- 16 COUNCILWOMAN TASCO: Second.
- 17 COUNCILWOMAN REYNOLDS-BROWN: Has been
- 18 moved and properly seconded that the Bill will
- 19 be amended.
- 20 All those in favor, say aye.
- 21 (Ayes.)
- 22 All those opposed? The ayes have it and
- 23 the motion carries.
- 24 The Chair now recognizes Majority Leader

- 1 Councilman Jones for a motion on Bill No. 120428
- 2 as amended.
- 3 COUNCILMAN JONES: I move that Bill No.
- 4 120428 be reported out of Committee as amended
- 5 with a favorable recommendation that the Rules
- 6 of Council be suspended as to permit first
- 7 reading at our next session of Council.
- 8 COUNCILWOMAN REYNOLDS-BROWN: All in
- 9 favor -- do I hear a second?
- 10 COUNCILWOMAN BLACKWELL: Second.
- 11 COUNCILWOMAN REYNOLDS-BROWN: All in favor
- 12 say aye.
- 13 (Ayes)
- Bill No. 120428 has been moved and properly
- 15 seconded as amended. Will be reported out of
- 16 Committee with a favorable recommendation and
- 17 moved that the Rules of Council be suspended as
- 18 to permit first reading at our next scheduled
- 19 session.
- 20 All those in favor, signify by saying aye.
- 21 (Ayes)
- 22 All opposed? Seeing none then, this Bill
- 23 has been approved out of Committee with a
- 24 favorable recommendation. We want to thank you

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     all again. There is subsequent homework to be
 1
     done on all sides. And this will conclude this
 2
     meeting. Thank you very, very much.
 3
       (Committee Meeting concluded at 3:30 p.m.)
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CERTIFICATION

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR, Notary Public

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