



May 4, 2016

Ms. Brenda Edwards
U.S. Department of Energy
Building Technologies Program
Mailstop EE-5B
1000 Independence Avenue, SW
Washington, DC 20585

RE: Docket Numbers EERE-2013-BT-STD-0007; EERE-2013-BT-STD-0021: Direct Final Rule for Energy Conservation Standards for Small, Large, and Very Large Air-Cooled Commercial Package Air Conditioning and Heating Equipment and Commercial Warm Air Furnaces

Dear Ms. Edwards:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy-Efficient Economy (ACEEE), California Energy Commission (CEC), Consumer Federation of America, National Consumer Law Center (NCLC), Natural Resources Defense Council (NRDC), Northeast Energy Efficiency Partnerships (NEEP), Northwest Energy Efficiency Alliance (NEEA), and Northwest Power and Conservation Council (NPCC) on the Direct Final Rule for Energy Conservation Standards for Small, Large, and Very Large Air-Cooled Commercial Package Air Conditioning and Heating Equipment and Commercial Warm Air Furnaces (aka “Roof Top Units”, or “RTUs”) 81 Fed. Reg. 2420 (January 15, 2016). We appreciate the opportunity to provide input to the Department.

We strongly support the Direct Final Rule (DFR). The standards contained in the DFR will save more energy than any other standard ever developed by the Department of Energy. The energy savings will result in billions of dollars in economic benefits for the businesses which purchase and operate this equipment, their customers and ultimately, the economy at large, as well as very large reductions in environmentally harmful emissions.

Several of the signing organizations on this letter participated in the negotiated rulemaking process leading to the direct final rule. The agency actively supported the negotiators through a months-long process which culminated in a term sheet which provided the basis for a rule which meets the statutory criteria for revised standards (42 US Code 6313(a)(6)(B)). We have reviewed the direct final rule and it accurately reflects the term sheet developed by the negotiators and approved by the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC). We also agree with the Department’s conclusion that the criteria for a direct final rule have been met as described in the notice (81 Fed. Reg. 2134-6).

In addition to providing the basis for revised standards, the term sheet also contains several elements which are being carried out separate from the DFR. The term sheet’s “Recommendation #2” is of particular interest to our organizations, and its implementation is in the direct control of DOE, with initial agency action required at the beginning of this year. The full recommendation is reproduced here:

“Recommendation #2.

- A rulemaking to amend the test procedure for air-cooled, commercial package air conditioners and heat pumps with rated cooling capacities greater than or equal to 65,000 Btu/h and less than 760,000 Btu/h, shall be initiated no later than January 1, 2016. DOE shall issue a final rule for the amended test procedure no later than January 1, 2019. The primary focus of the rulemaking will be to better represent the total fan energy use, including considering a) alternative external static pressures and b) operation for other than mechanical cooling and heating. The energy consumption from the supply air fan during hours of operation when it is used to provide ventilation air and the energy use with the supply fan operation when the unit is in heating mode shall be included in an energy efficiency metric as a result of this test procedure modification. Working group members will support the use of this new test procedure and any resulting revised metric(s) in the ASHRAE 90.1 building standards. However, the new test procedure and any resulting revised metric will not be used for assessing representations or compliance with the standards described in this term sheet.

Vote results: Consensus (14 yes - 0 no – 1 abstention – 2 absent) on 6/15/2015”

We suggest that some public indication of DOE’s commencement of work on this recommendation such as a Request for Information would make sense to ensure that interested organizations are on notice that this work has begun, especially since interested parties may wish to plan on their own work intended to support this rulemaking activity.

Finally, we wish to highlight a critical side agreement arrived at during the negotiation process. Under this side agreement, the Air-conditioning, Heating and Refrigeration Institute (AHRI) agreed to continue to provide EER₉₅ test values for all rated equipment in the AHRI database. This information is crucial for the design and implementation of utility incentive programs. This commitment is memorialized in a letter from AHRI to the California Investor Owned Utilities.

Thank you for considering these comments.

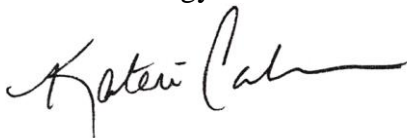
Sincerely,



Andrew deLaski, Executive Director
Appliance Standards Awareness Project



Joseph Andrew McAllister, Lead Commissioner for Efficiency
California Energy Commission



Kateri Callahan, President
Alliance to Save Energy



Steve Nadel, Executive Director
American Council for an Energy-Efficient Economy



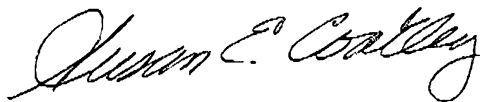
Mel Hall-Crawford, Energy Projects Director
Consumer Federation of America



Meg Waltner, Manager, Building Energy Policy
Natural Resources Defense Council



Charles Harak, Esq.
National Consumer Law Center
(On behalf of its low-income clients)



Susan E. Coakley, Executive Director
Northeast Energy Efficiency Partnerships



Louis Starr, P.E., Energy Codes and Standards Engineer
Northwest Energy Efficiency Alliance



Tom Eckman, Manager, Conservation Resources
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