



September 10, 2010

By e-mail to: expartecommunications@hq.doe.gov

Daniel Cohen
Assistant General Counsel for Legislation and Regulatory Law
Office of the General Counsel
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0121

Re: Ex Parte Memorandum

On September 2, 2010, the following participants held a meeting at the Department of Energy ("DOE"): Timothy Ballo and Emma Cheuse (Earthjustice); Kit Kennedy, Christine Chang, and Meg Waltner (Natural Resources Defense Council or "NRDC"); Cliff Majersik (Institute for Market Transformation or "IMT"). The following DOE staff were present in this meeting: General Counsel Scott Blake Harris, Daniel Cohen, Ami Grace-Tardy, and Bryan Miller of DOE Office of General Counsel; Roland Risser and Robert Van Buskirk, DOE Building Technologies Program.

During the meeting, the participants advocated for the adoption of robust energy efficiency standards for Federal buildings. They also urged DOE to use its legal authority to maximize energy efficiency more broadly. They advocated for public transparency and discussed the importance of collecting energy and GHG emission data for Federal buildings and making these data publicly available in an accessible format, including information such as the building's Energy Star rating. With respect to new and renovated federal buildings, IMT advocated for Energy Star Target Finder ratings to be developed during design of the building and presented online alongside the building's Energy Star ratings and urged DOE that energy modeling for federal buildings (including to generate Target Finder ratings) should follow the COMNET Guidelines and Procedures (available at www.comnet.org). Participants also discussed the status of a series of important legal duties that the prior Administration left unfulfilled and urged DOE to satisfy each deadline without delay, as discussed in Doc. ID No. DOE-EERE-OT-2010-0007-0071, available at regulations.gov.

Participants also distributed the attached agenda which provides a summary of the issues discussed. During the meeting, the participants also distributed and referred to the following comments Doc. ID Nos. EERE-OT-2010-0007-0064 (NRDC comments of Aug. 12, 2010) and DOE-EERE-OT-2010-0007-0071 (Earthjustice, NRDC et al. comments of Aug. 12, 2010), which have been submitted into the docket of EE-RM/STD-02-112 / RIN: 1904-AC13 and are

attached again to this memo. In addition, IMT distributed comments, dated September 1, 2010, for the Docket EE-RM/STD-02-112, addressing building benchmarking and labeling tools and methodologies (including Energy Star and COMNET), and a fact sheet on building energy code compliance, which are attached to this memo. At the meeting, DOE distributed a document describing a presentation from the Energy.Gov conference on the web-based tracking system that DOE plans to release publicly by October 2010, and to populate with data starting in January 2011.

Thank you to all staff from DOE who participated in this meeting.

Respectfully submitted,



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Enclosures: listed above