



Department of Energy  
Washington, DC 20585

November 28, 2016

Timothy Orr  
Director, Sales and Product Management  
Advanced Distribution Products

Dear Mr. Orr,

The U.S. Department of Energy ("DOE") grants the petition submitted by Advanced Distributor Products (ADP) on October 4, 2016 requesting a 120-day extension of the December 5, 2016 date on which any representations of central air conditioner and heat pumps (CACs & CHPs) energy use or efficiency are required by statute to reflect the energy use or efficiency as measured by DOE's test procedure for that product (Docket No. EERE-2009-BT-TP-0004-0076). 42 U.S.C. § 6293(c)(2). ADP timely submitted its petition pursuant to 42 U.S.C. § 6293(c)(3). Specifically, the statute provides that a manufacturer, distributor, retailer, or private labeler may submit a petition requesting that the Secretary extend, for no more than an additional 180 days and with respect to such petitioner, the date by which representations must be made in accordance with any new or amended DOE test procedure. The Secretary may grant an extension upon a finding that that the petition demonstrates that meeting the statutory requirement would impose an undue hardship on the petitioner.

ADP's petition requests a 120-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on ADP. DOE has reviewed the petition and finds that ADP has sufficiently demonstrated that requiring representations of energy use or efficiency to be based on the new DOE CAC & CHP test procedure beginning on December 5, 2016, would impose undue hardship on ADP. More specifically, ADP outlined an analysis that estimates the company will need ten months to comply with the new DOE CAC & CHP test procedure. ADP's analysis accounts for pre-testing activities (such as updating software to meet new AEDM requirements), test lab preparation, including updates to lab facility hardware, and retesting 56 basic models. As such, DOE extends, until April 4, 2017, the date by which, under 42 U.S.C. § 6293(c), CAC & CHP energy use or efficiency representations by ADP must reflect testing in accordance with the amended DOE test procedure published on June 8, 2016.

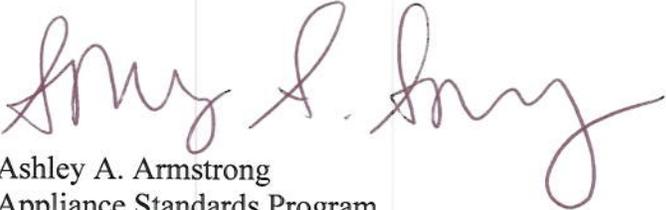
Finally, other than with respect to certifications of compliance with applicable energy conservation standards, DOE notes that the Federal Trade Commission (FTC), not DOE, regulates representations regarding product efficiency. Current Federal energy conservation standards for CACs and CHPs can be found in 10 CFR Part 430.32(c) for which manufacturers are required to certify compliance. This 120-day extension only applies to the date by which representations must fairly disclose the results of testing in accordance with the amended



Appendix M test procedure (effective July 8, 2016), and does not absolve the manufacturer of other obligations, including certification or compliance with the Federal energy conservation standards.

Should you have any additional questions, please feel free to contact me at [Ashley.Armstrong@ee.doe.gov](mailto:Ashley.Armstrong@ee.doe.gov).

Sincerely,



Ashley A. Armstrong  
Appliance Standards Program