



Department of Energy  
Washington, DC 20585

November 28, 2016

James Thomas  
Director of Engineering  
Aspen Mfg.

Dear Mr. Thomas,

The U.S. Department of Energy (“DOE”) grants the petition submitted by Aspen Mfg. on October 6, 2016 requesting a 180-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). Aspen 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.

Aspen’s petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Aspen Mfg. DOE has reviewed the petition and finds that Aspen 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 Aspen Mfg. More specifically, Aspen asserts that the company needs to update its facility, which could take up to 6 months. Until Aspen’s facility updates can be completed, the company is relying on third-party labs to conduct the retesting of 38 basic models necessary to comply with the DOE CAC & CHP test procedure, which Aspen estimates will take up to 5 months at given third-party lab availability rates. As such, DOE extends, until June 2, 2017, the date by which, under 42 U.S.C. § 6293(c), CAC & CHP energy use or efficiency representations by Aspen Mfg. must reflect testing in accordance with the amended DOE test procedure published on June 8, 2016.

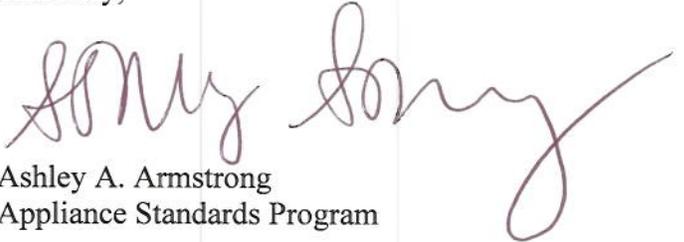
Finally, other than with respect to certifications of compliance with applicable energy conservation standards, DOE notes that the Federal Trade Commission (FTC), not DOE, regulates representations regarding product efficiency. Current Federal energy conservation standards for CACs and CHPs can be found in 10 CFR Part 430.32(c) for which manufacturers are required to certify compliance. This 180-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,

A handwritten signature in dark ink, appearing to read "Ashley A. Armstrong". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Ashley A. Armstrong  
Appliance Standards Program