



Department of Energy
Washington, DC 20585

November 28, 2016

Terry Small
Chief Executive Officer
Mortex Products, Inc.

Dear Mr. Small,

The U.S. Department of Energy (“DOE”) grants the petition submitted by Mortex Products, Inc. on October 6, 2016 requesting a 150-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). Mortex 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.

Mortex’s petition requests a 150-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Mortex Products, Inc. DOE has reviewed the petition and finds that Mortex 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 Mortex. More specifically, Mortex states that the company is making updates to its testing facilities to meet the new requirements in the DOE CAC & CHP test procedure, and that those updates have been delayed due to delayed components from outside suppliers. Mortex added that it will need to test 33 basic models once the lab is operational, which the company estimates cannot be completed until mid-March. Mortex states that its request for an extension beyond mid-March is necessary to account for additional test delays or revisions and provide time to make necessary updates to product certifications and literature. As such, DOE extends, until May 4, 2017, the date by which, under 42 U.S.C. § 6293(c), CAC & CHP energy use or efficiency representations by Mortex must reflect testing in accordance with the amended DOE test procedure published on June 8, 2016.

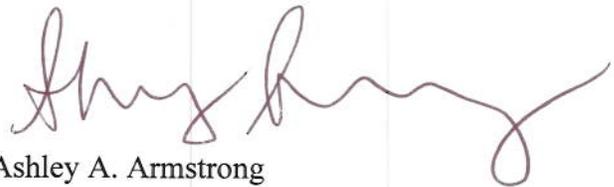
Finally, other than with respect to certifications of compliance with applicable energy conservation standards, DOE notes that the Federal Trade Commission (FTC), not DOE, regulates representations regarding product efficiency. Current Federal energy conservation



standards for CACs and CHPs can be found in 10 CFR Part 430.32(c) for which manufacturers are required to certify compliance. This 150-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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ashley A. Armstrong". The signature is fluid and cursive, with a long, sweeping tail that loops back under the name.

Ashley A. Armstrong
Appliance Standards Program