



Department of Energy
Washington, DC 20585

November 28, 2016

Scott Creamer
Team Lead – R&D Systems
Rheem Manufacturing Company

Dear Mr. Creamer,

The U.S. Department of Energy (“DOE”) grants the petition submitted by Rheem Manufacturing Company on October 5, 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). Rheem 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.

Rheem’s petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Rheem Manufacturing Company. DOE has reviewed the petition and finds that Rheem 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 Rheem Manufacturing Company. More specifically, Rheem asserts that the company will need to retest over a hundred basic models, and revise the associated representations for those basic models, which Rheem estimates will require at least 300 working days. In addition, Rheem states that an additional 60 working days will be required to implement software updates, validate the software, and review data outputs. 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 Rheem Manufacturing Company must reflect testing in accordance with the amended DOE test procedure published on June 8, 2016.

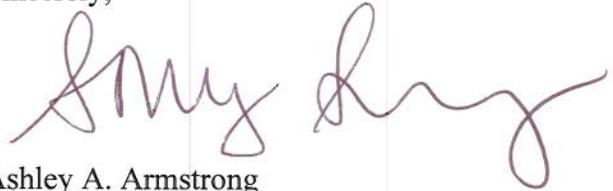
Finally, other than with respect to certifications of compliance with applicable energy conservation standards, DOE notes that the Federal Trade Commission (FTC), not DOE, regulates representations regarding product efficiency. Current Federal energy conservation standards for CACs and CHPs can be found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

Sincerely,

A handwritten signature in dark ink, appearing to read "Ashley A. Armstrong". The signature is fluid and cursive, with the first name "Ashley" being more prominent and the last name "Armstrong" following in a similar style.

Ashley A. Armstrong
Appliance Standards Program

Cc: Ms. Karen Myers