

**From:** [Hunt, Marshall](#)  
**To:** [Anderson, Mary](#); [Charles Kim](#); [Eilert, Patrick](#); [John Barbor](#); ["randall Higa"](#); [Daniela Garcia](#); [Elliott, Ed](#); [Craig Tyler \(craigtyler@comcast.net\)](#); [Bijit Kundu](#); [Reefe, Jeremy \(JMReefe@semptrautilities.com\)](#)  
**Subject:** RE: DOE RFI  
**Date:** Monday, June 19, 2017 9:51:22 AM  
**Attachments:** [DOE Regulatory Reform RFI Summary 7June2017 mbh9.docx](#)

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I have started editing this document but have not finished all of the questions.

But, I hope this will support our deliberations.

Marshall B. Hunt

Professional Mechanical Engineer

Codes & Standards

Pacific Gas & Electric Company

415-260-7624

[mbh9@pge.com](mailto:mbh9@pge.com)

-----Original Appointment-----

**From:** Anderson, Mary

**Sent:** Friday, June 16, 2017 1:40 PM

**To:** Anderson, Mary; Charles Kim; Eilert, Patrick; John Barbor; 'randall Higa'; Daniela Garcia; Hunt, Marshall; Elliott, Ed; Craig Tyler (craigtyler@comcast.net); Bijit Kundu; Reefe, Jeremy (JMReefe@semptrautilities.com)

**Subject:** DOE RFI

**When:** Monday, June 19, 2017 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Conference Call Info Below

<< File: DOE Regulatory Reform RFI Summary 7June2017.docx >>

DOE has released an RFI on how to streamline improve regulations. We would like to discuss the potential comments. Please see the potential comments below.

### Summary of Key Issues and Potential Comments

Topic: DOE shall identify regulations that... *(i) Eliminate jobs, or inhibit job creation; (ii) Are outdated, unnecessary, or ineffective; (iii) Impose costs that exceed benefits...*

- **Jobs**

- Lower utility bills for consumers means larger macroeconomic benefits to the US

economy – including creation of jobs

- Costs are likely much smaller (cite ASAP paper)
- [Research specific US manufacturers who have increased product lines/market share due to innovations in response to standards – Cree, others]

- **Utility Sector**

- EE regulations provides the stick to the carrot of incentive programs. Without mandatory regulations, incentive programs can become outdated with limited savings opportunities
- Advocacy on EE regulations are a significant component in the utilities EE portfolio and the most cost-effective program
- EE regulations reduce utilities' capital costs by not having to build new power plants to meet increasing demand
- Peak demand reduction: prevent use of expensive peaker plants
- Test procedures regulations for incentive programs

- **General Benefits**

- All DOE efficiency regulations adopted have benefits that far exceed the costs
- Cite statutory requirement in EPCA

- **Consumer Benefits**

- Lower utility bills means more spending power
- EE regulations allows US manufacturers to innovate products to make them better performing and feature-rich – increasing customer satisfaction
- More efficiency appliances help meet state and local building code regulations which lowers costs for builders and owners

- **Statutory Requirements**

- Cite EPCA and cost-benefit requirements, periodic review of rules
- Anti-backsliding provision

- **Rulemaking Enhancements**

- Support working with states to reduce duplicative reporting burdens

- Support ASRAC working group efforts as a way to streamline regulations

## References

- RFI: <https://www.gpo.gov/fdsys/pkg/FR-2017-05-30/pdf/2017-10866.pdf>
- ASAP Jobs Paper: <http://appliance-standards.org/sites/default/files/Appliance-and-Equipment-Efficiency-Standards-Money-Maker-Job-Creator.pdf>
- ASAP Better Appliance Paper: [https://appliance-standards.org/sites/default/files/Better\\_Appliances\\_Report.pdf](https://appliance-standards.org/sites/default/files/Better_Appliances_Report.pdf)
- ASAP Comparing Predicted and Observed Prices: [https://appliance-standards.org/sites/default/files/Appliance\\_Standards\\_Comparing\\_Predicted\\_Expected\\_Prices.pdf](https://appliance-standards.org/sites/default/files/Appliance_Standards_Comparing_Predicted_Expected_Prices.pdf)
- Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs
  - <https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf>
- Executive Order 13783: Promoting Energy Independence and Economic Growth
  - <https://www.gpo.gov/fdsys/pkg/FR-2017-03-31/pdf/2017-06576.pdf>

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**Department of Energy (DOE)  
Request for Information**

*Draft Summary  
June 7, 2017*

*Prepared for CA Investor Owned Utilities by Energy Solutions*

**Schedule of Rulemaking and Effective Date**

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<i>Milestone</i>	<i>Date</i>
RFI Published	May 30
Comment Deadline	July 14

**Summary of Key Issues and Potential Comments**

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Topic: DOE shall identify regulations that... (i) *Eliminate jobs, or inhibit job creation*; (ii) *Are outdated, unnecessary, or ineffective*; (iii) *Impose costs that exceed benefits*...

- **Jobs**
  - Lower utility bills for consumers means larger macroeconomic benefits to the US economy – including creation of jobs
  - Net Present Value of regulations for the nation is always positive
  - Costs are likely much smaller (cite ASAP paper)
  - [Research specific US manufacturers who have increased product lines/market share due to innovations in response to standards – Cree, others]
- **Utility Sector**
  - ~~EE regulations provides~~ EE regulations provide the stick to complement the carrot of incentive programs. Without mandatory regulations, incentive programs can become outdated with limited savings opportunities
  - Advocacy on EE regulations are a significant component in the utilities EE portfolio and the most cost-effective program
  - EE regulations reduce utilities' ~~capital~~ costs by not having to build new power plants or contract for additional capacity to meet increasing demand which would increase costs for customers
  - Peak demand reduction: prevent use of expensive peaker plants
  - Regulations establish test procedures ~~regulations that provide the foundation~~ for incentive programs
  -
- **General Benefits**
  - All DOE efficiency regulations adopted have benefits that far exceed the costs
    - Cite statutory requirement in EPCA
  - Appliance manufacturers participate in a global market with standards from the European Union and others setting market regulations in the absence of USA

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- **Consumer Benefits**

- Appliance regulations bridge the split incentive problem for tenants who do not buy major energy consuming appliances
- Lower utility bills means more consumer purchasing power
- EE regulations fosters US manufacturers to innovate products to make product which perform them better performing and feature-rich – increasing customer satisfaction
- More efficiency appliances help meet state and local building code regulations which lowers costs for builders and owners

- **Statutory Requirements**

- Cite EPCA and cost-benefit requirements, periodic review of rules
- Anti-backsliding provision

- **Enhancements**

- Support working with states to reduce duplicative reporting burdens
- Support ASRAC working group efforts as a way to streamline regulations



## References

- RFI: <https://www.gpo.gov/fdsys/pkg/FR-2017-05-30/pdf/2017-10866.pdf>
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- ASAP Better Appliance Paper: [https://appliance-standards.org/sites/default/files/Better\\_Appliances\\_Report.pdf](https://appliance-standards.org/sites/default/files/Better_Appliances_Report.pdf)
- ASAP Comparing Predicted and Observed Prices: [https://appliance-standards.org/sites/default/files/Appliance\\_Standards\\_Comparing\\_Predicted\\_Expected\\_Prices.pdf](https://appliance-standards.org/sites/default/files/Appliance_Standards_Comparing_Predicted_Expected_Prices.pdf)
- Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs
  - <https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf>
- Executive Order 13783: Promoting Energy Independence and Economic Growth
  - <https://www.gpo.gov/fdsys/pkg/FR-2017-03-31/pdf/2017-06576.pdf>
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## DOE Questions for Stakeholder Comment

*The following list of questions represents a preliminary attempt by DOE to identify rules/obligations on which it should immediately focus. **This non-exhaustive list is meant to assist in the formulation of comments and is not intended to restrict the issues that may be addressed.** In addressing these questions or others, DOE requests that commenters identify with specificity the regulation or reporting requirement at issue, providing legal citation where*

available. The Department also requests that the submitter provide, in as much detail as possible, an explanation why a regulation or reporting requirement should be modified, streamlined, or repealed, as well as specific suggestions of ways the Department can do so while achieving its regulatory objectives.

(1) How can DOE best promote meaningful regulatory cost reduction while achieving its regulatory objectives, and how can it best identify those rules that might be modified, streamlined, or repealed?

[Uniform LED quality standards](#)

[Making final EPA refrigerant regulations well in advance of DOE EE requirements](#)

(2) What factors should DOE consider in selecting and prioritizing rules and reporting requirements for reform?

[Nation energy use is required but regional impacts are also important](#)

[The water/energy nexus is ignored but important in the dry southwestern USA](#)

(3) How can DOE best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of existing regulations? Are there existing sources of data DOE can use to evaluate the post-promulgation effects of regulations over time? We invite interested parties to provide data that may be in their possession that documents the costs, burdens, and benefits of existing requirements.

[Field research and data collection is needed but it is expensive and takes years.](#)

[Support of voluntary alternatives to HVAC test standards such as HPWH and VCHP.](#)

(4) Are there regulations that simply make no sense or have become unnecessary, ineffective, or ill-advised and if so what are they? Are there rules

that can simply be repealed without impairing DOE's statutory obligations and, if so, what are they?

There are possible negative impacts, but can organizations like AHRI be engaged in a positive way on this issue. There would need to be a stakeholders Project Advisory Group (PAG), including EE advocates, to guide the effort. Funding would come from members.

(5) Are there rules or reporting requirements that have become outdated and, if so, how can they be modernized to better accomplish their objective?

Use current web based technology.  
Have stakeholder accessible data.

(6) Are there rules that are still necessary, but have not operated as well as expected such that a modified, or slightly different approach at lower cost is justified?

(7) Are there rules of the Department that unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources?

(8) Does DOE currently collect information that it does not need or use effectively?

(9) Are there regulations, reporting requirements, or regulatory processes that are unnecessarily complicated or could be streamlined to achieve statutory obligations in more efficient ways?

(10) Are there rules or reporting requirements that have been overtaken by technological developments? Can new technologies be leveraged to modify, streamline, or do away with

existing regulatory or reporting requirements?

(11) Does the methodology and data used in analyses supporting DOE's regulations meet the requirements of the Information Quality Act?