

December 6, 2004

Dr. Arthur H. Rosenfeld
Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Dear Commissioner Rosenfeld;

I am writing to respectfully request that the California Energy Commission (CEC) modify some of its proposed requirements for walk-in refrigerators and freezers, commercial refrigerators/freezers, commercial icemakers, and very large packaged air conditioners contained in the 15-day express terms published on November 30, 2004.

The Air-Conditioning and Refrigeration Institute (ARI) and several of our members have submitted comments over the past six months expressing concerns with many provisions of the proposed amendments to Title 20. However, most of our concerns have not been addressed. We again would like to bring your attention to the following issues (a more detailed explanation of these issues can be found in our comments dated November 30, 2004, Attachment 1 to this letter).

Walk-in Coolers (Refrigerators) and Freezers

ARI is very concerned with the prescriptive requirement of ECM motors for the evaporator fan motors, when there is ample evidence that ECM motors are not available in all product sizes, power requirements, voltages and sizes, and when there is only one manufacturer producing these types of motors. See Attachment 2 to this letter which details our concerns regarding the CEC's proposal. We appreciate several changes that were made in the fifteen day language, however, ARI urges the Commission to amend item (4) (III) of section 1605.3 to treat evaporator fan motors in a same way as condenser fan motors (as stated in item (4) (IV)). In summary the amended section would read as follows:

(III) for evaporator fan motors of under one horsepower, either electronically commutated motors or other motor types with equivalent efficiency as determined by the Executive Director, or permanent split capacitor-type motors, or polyphase motors larger than one-half (1/2) horsepower.

Commercial Refrigerators/Freezers

We continue to question the technical validity of the proposed standards for cabinets without doors when there are no products currently in the market that can meet the standard levels. It is clear that in this particular case, the CEC seems to be in violation of the Warren-Alquist Act, which requires the California standards to be cost-effective,

feasible, and attainable. We request that the CEC delay the implementation of the proposed standards for cabinets without doors while maintaining the listing requirement until such time that sufficient data is available to set appropriate standards. In addition, we request that the CEC set separate product classes with separate efficiency standards for pull down cabinets and low temperature freezers to account for the fact that these products are designed for very different applications than conventional refrigerators and freezers.

Commercial Icemakers

The proposed definition for "commercial icemakers" is too broad and should be refined to include only ice cube machines with capacities between 500 and 2,500 lbs/day. We also request that CEC delete the requirement in the test procedures that limits the rated capacity to within 5% of tested value. This requirement penalizes manufacturers for manufacturing products with better ratings than advertised. Finally, given the stringency of the proposed standards, we ask that the effective date be postponed to January 1, 2010 to provide enough time for manufacturers to redesign their product lines and re-tool their factories.

Very Large Package Air-Cooled Commercial A/C (240-760 kBtu/h)

The two-tiered efficiency standards proposed by the CEC are not consistent with the consensus agreement reached recently by the energy efficiency groups (including the CEC) and the manufacturers. In the spirit of cooperation, we urge the CEC to revise the regulations accordingly so they are in harmony with the consensus agreement.

Thank you for your consideration. Please do not hesitate to contact me if you have questions about any of these issues.

Sincerely,



Stephen R. Yurek
General Counsel

Enclosures: As stated