



December 3, 2012

BY FEDERAL EXPRESS

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580
hnewsome@ftc.gov

Re: Revisions to comments on Appliance Labeling Amendments, Matter No. R611004

Dear Secretary Clark,

Attached to this e-mail is an updated version of comments previously filed May 16, 2012 on the Federal Trade Commission's regulatory review of the Appliance Labeling Rule. We respectfully request that you enter or substitute them into the record for this rulemaking. In addition, we ask that you treat our comments as a petition for a rulemaking to adopt the changes suggested.

This updated version includes updated and more detailed data gathered from inspections of retail showrooms around the country, in Revised Attachment A. The revision to that data reflects additional investigation since submission of the original comments, further investigation into the identity of manufacturers of individual products, and a careful review of the original notes from investigators explaining why a product appeared to be noncompliant.

In order to maintain the confidentiality of the data, names of stores and manufacturers have again been replaced with variables. (For one brand of privately labeled products, we used a separate variable if we could not identify the manufacturer for a particular product). We have removed any data pertaining to room air conditioners, water heaters, and televisions, so as to prevent the discovery of the identities of stores or manufacturers through comparison to the tables provided in the comments themselves or other methods. We have also included data on the metropolitan area in which the stores were located.

Accordingly, we have also updated Tables 1-3 on pages 2-4 of the Revised Comments, and deleted former footnote 1, which explained the now-abandoned use of numerical variables in those tables.

In addition, we have made the following typographical corrections to the comments:

- Page 2, footnote 1 (former footnote 2): The word “boxed” has been deleted, and the words “both in and” added.
- Page 4, 2nd paragraph, 2nd sentence: A comma has replaced the period.
- Page 5, 3rd paragraph, 3rd sentence: A comma has been added for clarity.
- Page 8, 1st paragraph: Capitalization and punctuation has been corrected in the citation.
- Page 8, 2nd paragraph, 2nd sentence: The phrase “such sites” has replaced the word “they.”
- Page 13, 8th paragraph, 2nd sentence: The word “mechanisms” has replaced “mechanism,” and the word “left” has been added in parentheses after the word “low.”
- Page 14, 2nd paragraph, 1st sentence: The words “right” and “high” have been transposed.
- Page 14, 5th paragraph, 1st sentence: The phrase “has no bearing on whether” has replaced the phrase “does not mean that.”
- Page 15, 3rd paragraph, 1st sentence: The word “it” has replaced the word “they.”
- Page 15, 3rd paragraph, 3rd sentence: The sentence has been rewritten to say “In fact, more subcategories have ranges with zero difference than have ranges with differences of even \$10.” It previously read “In fact, more subcategories have zero difference between than have differences of even \$10.”
- Page 16, 2nd paragraph, 2nd sentence: The phrase “and be” has replaced the em dash.
- Page 17, 6th paragraph, 1st sentence: The word “cost” has replaced the word “costs”
- Page 18, 6th paragraph, 1st sentence: The numbers have been edited to reflect that 554 of the 2524 appliances we observed on display lacked any visible EnergyGuide label. It originally stated this was the case for 558 of the 2525 appliances we viewed.
- Page 18, 6th paragraph, 2nd sentence: The number of products with noncompliant labels has been edited to 838. The number in the original sentence was 823.
- Page 20, 3rd paragraph, 5th sentence: The word “provide” has replaced the word “provided.”

Should you have any questions about these changes or anything else, please do not hesitate to contact me.

Sincerely,

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