



July 25, 2011

Mr. Hampton Newsome
Federal Trade Commission
Office of the Secretary
Room H-113 (Annex N)
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles, Advanced Notice of Proposed Rulemaking, 16 CFR Part 309, Matter No. R311002

Dear Mr. Newsome,

The Edison Electric Institute (EEI) appreciates the opportunity to submit comments on the Advanced Notice of Proposed Rulemaking for the Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles recently proposed by the Federal Trade Commission (FTC). *76 Fed. Reg.* 31513 (June 1, 2011).

EEI is the association of the U.S. shareholder-owned electric companies, international affiliates, and industry associates worldwide. Our U.S. members serve over 95 percent of all customers served by the shareholder-owned segment of the industry. They serve 70% of all customers in the United States. Many of our members are combination gas and electric companies, and provide services for both energy types. Our members actively are involved in the development of legal and regulatory structures to facilitate the wide-scale deployment of alternative fuel vehicles (AFVs).

EEI strongly supports the use of labels to provide information to consumers about the vehicles that they drive. EEI provided comments on the FTC alternative fuel and AFV label rule that was finalized in 1995¹ and is pleased to offer comments on this advanced notice of proposed rulemaking as well.

¹ *Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles*, 60 *Fed. Reg.* 26926 (May 19, 1995).

General Comments:

- 1) EEI supports consolidating the FTC's AFV labels with the fuel economy labels recently finalized by EPA and NHTSA² by allowing the use of the EPA label in lieu of the FTC label. The EPA/NHTSA label will accomplish the goals of the FTC label, as set out in the Energy Policy Act of 1992 (EPA Act 1992) and will provide consumers the information they need to compare AFVs with gasoline powered vehicles. This will also streamline the labeling process and reduce costs for manufacturers, since they will not be required to produce and place two labels with similar information on a vehicle window. This, in turn, will reduce costs for consumers as well.

However, EEI does see value in retaining a separate label for fuel dispensers as required by EPA Act 1992. The current labels show items such as "CNG Minimum 90% Methane" and "Hydrogen Minimum 98% Hydrogen" and "Electricity 9.6 kW 240 VAC / 40 Amps Conductive." Such information will continue to be helpful for drivers of AFVs, to make sure that the fuel being supplied matches the needs of the vehicle's energy system. For example, a DC "fast charger" with a rating of 480 Volts would not be compatible with the Chevy Volt on-board system, which is rated to only use a maximum of 240 Volts.

- 2) EEI agrees that it would make sense to allow the EPA fuel economy label on lean burn and hybrid vehicles in lieu of a new FTC label. *See 76 Fed. Reg.* at 31516. Indeed, the requirements for the FTC and EPA/NHTSA labels should be the same for **all** types of vehicles, to minimize costs to manufacturers and to ensure that consumers can make an "apples to apples" comparison of different vehicles in the marketplace.
- 3) While EEI recognizes that continuing to include labels on used AFVs may pose a burden on used car dealers, we believe that this burden is outweighed by the benefits of providing consumers with accurate, vehicle-specific information about used AFVs. If FTC chooses to retain the requirement to include labels on used AFVs, these labels should provide consumers with useful information that will allow them to compare used AFVs to other used vehicles. To avoid increasing the costs or complexity of used AFV labels, FTC could require that these labels include a link to www.fueleconomy.gov, which provides information for any vehicle produced since 1984, or other web sites that provide information and specifications on used vehicles at no cost to the consumer.

Thank you for your review of our comments.

² *Revisions and Additions to Motor Vehicle Fuel Economy Label*, 76 *Fed. Reg.* 39478 (July 6, 2011).

Respectfully submitted,

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cc: Ed Comer, EEI
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