August 18, 2014

Mr. Hampton Newsome
Attorney, Division of Enforcement, Bureau of Consumer Protection
Federal Trade Commission
Room H-135, (Annex A)
600 Pennsylvania Avenue, NW.
Washington, DC 20580

Subject:	Supplementary Notice of Proposed Rulemaking on Energy Labeling Rule Regulatory Review (16 CFR Part 305) (Project No. R611004)
Docket Number:	16 CFR Part 305
RIN:	3084-AB03

Dear Mr. Newsome:

This letter comprises the comments of the Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SCGC), and Southern California Edison (SCE) in response to the Federal Trade Commission (FTC) Supplemental Notice of Proposed Rulemaking (SNOPR) for the appliance and equipment Energy Labeling Rule.

The signatories of this letter, collectively referred to herein as the California Investor Owned Utilities (CA IOUs), represent some of the largest utility companies in the Western United States, serving over 35 million customers. As energy companies, we understand the potential of appliance efficiency standards to cut costs and reduce consumption while maintaining or increasing consumer utility of the products. We also understand the importance of providing information to consumers regarding the performance and cost of operation of the appliances and equipment they purchase. We have a responsibility to our customers to advocate for standards and labeling practices that accurately reflect the climate and conditions of our respective service areas, so as to maximize these positive effects.

We commend the FTC for continuing to develop and improve requirements under the Energy Labeling Rule to increase the effectiveness and scope of the EnergyGuide label. We believe providing accurate, up-to-date information regarding product performance and operational cost will allow consumers to make informed purchasing decisions. We appreciate the opportunity to provide the following recommendations to the SNOPR:

1. **We support the expanded coverage of the Lighting Facts Label requirement to apply to the lamps identified in this rulemaking.**

We believe the proposal to require the Lighting Facts Label to the lamps identified in this rulemaking will aid consumers to compare similar bulbs not currently covered under the Energy Labeling Rule, as the category of "specialty consumer lamp" encompasses a variety of lamp types for both residential and non-residential purposes. Requiring the Lighting Facts Label for medium, intermediate, candelabra, GU-10, or GU-24 base lamps will not pose significant testing burden since these bulbs, which have previously not been required to display a label, are already testing to existing industry-developed test procedures and

displaying relevant metrics that would be required on a label. We have cited a couple examples from a home improvement store website of the lamps in question already displaying many of the outputs that would be required by the Lighting Facts Label, such as brightness, lifetime, color temperature, wattage, and others outputs.[1,2]

Requiring the Lighting Facts Label for specialty consumer lamps not categorized under the definition of "general service lamp" should not add significant testing burden, since the metrics required under the Lighting Facts Label are likely already being tested using existing industry-developed standards, namely, as published by the Illuminating Engineering Society (IES) as part of their Lighting Measurement (LM) series. Please refer to the following test procedures which may be applicable to the products outlined in the extension of coverage proposal:

i. ***LM-9-09:*** *Electrical and Photometric Measurements of Fluorescent Lamps*
ii. ***LM-20-13:*** *Photometry of Reflector Type Lamps*
iii. ***LM-40-10:*** *Life Testing of Fluorescent Lamps*
iv. ***LM-45-09:*** *Electrical and Photometric Measurement of General Service Incandescent Filament Lamps*
v. ***LM-46-04****: Photometric Testing of Indoor Luminaires Using High Intensity Discharge or Incandescent Filament Lamps*
vi. ***LM-47-12:*** *Life Testing of High Intensity Discharge (HID) Lamps*
vii. ***LM-51-13:*** *Electrical and Photometric Measurement of High Intensity Discharge Lamps*
viii. ***LM-65-10:*** *Life Testing of Compact Fluorescent Lamps*
ix. ***LM-66-11:*** *Electrical and Photometric Measurements of Single-Ended Compact Fluorescent Lamps*
x. ***LM-77-09:*** *Intensity Distribution Measurement of Luminaires and Lamps Using Digital Screen Imaging Photometry*
xi. ***LM-78-07:*** *Total Luminous Flux Measurement of Lamps Using an Integrating Sphere Photometer*
xii. ***LM-79-08:*** *Electrical and Photometric Measurements of Solid-State Lighting Products*
xiii. ***LM-85-14:*** *Electrical and Photometric Measurements of High Power LEDs*

Please note that there may be other IES-developed test procedures that are not listed here relevant to the lamps under consideration. We encourage the FTC to review and leverage any of the relevant industry-developed test procedures to confirm a) lamps are already being tested for outputs on the Lighting Facts Label; and, b) there are established methods to ensure consistent testing and reporting occurs.

2. We support the proposal to require manufacturers to submit URL links for covered product labels to the Department of Energy (DOE) Compliance and Certification Management System (CCMS).

We support the requirement to submit a URL link of the EnergyGuide label for any product subject to labeling requirements to the Department of Energy's Compliance Certification Management System (CCMS). Requiring the submission of a URL link will aid in the development of a centralized database for products covered under both FTC and DOE requirements. A centralized database will benefit many different market actors, including consumers, distributors, retailers, and organizations administering energy efficiency incentive programs, the successful implementation of which is dependent upon such

[1] http://www.homedepot.com/p/Feit-Electric-60W-Equivalent-Soft-White-2700K-GU24-Spiral-CFL-Light-Bulb-BPESL13T-GU24/202245685
[2] http://www.homedepot.com/p/Philips-60-Watt-Incandescent-A19-Agro-Plant-Light-Bulb-429480/202762720?N=5yc1vZc5sh

labeling information being readily available. Having a centralized database with URL links will also be helpful for those organizations tracking compliance with state or federal performance and labeling requirements regarding energy efficiency standards. The timing of the code cycles and nature product retail/distribution chains results in a mixture of code compliant and non-compliant products being stocked for sale. This necessitates the reporting of information regarding product performance so retailers and distributors can better identify whether products meet energy efficiency standards and benefit the consumers they serve.

3. **We continue to recommend FTC require reporting on the EnergyGuide labels of efficiency metrics specified in energy conservation standards. We support the amendment to require the reporting of Combined Energy Efficiency Ratio (CEER) instead of Energy Efficiency Ratio (EER) for room air conditioners (ACs). In addition, we reiterate our recommendation to require reporting of energy factor (EF) for water heaters.**

Reporting information that reflects the most current energy efficiency performance standards is crucial to providing beneficial information to consumers and other market actors. Due to the success of energy efficiency programs, including national-, regional-, state-, and utility-level programs, consumers are more aware of the efficiency metrics specified in program requirements. Since many of these programs based their requirements from efficiency metrics in energy conservation standards and test procedures, we support the display on the label of any performance metric that is required for compliance to energy efficiency standards, including regulated performance metrics for room ACs, central ACs, and water heaters.

We support comments submitted by stakeholders requesting the inclusion of the CEER metric, which is used in the current energy conservation standards for room ACs and have been effective since June 1, 2014. The current standard uses CEER instead of EER, and therefore the CEER metric should be required to be reported on the label.

Similarly, we commend the Commission for accepting previously submitted comments requesting the inclusion of the seasonal energy efficiency ratio (SEER) metric for central ACs. We recommend that both SEER and EER metrics, regulated metrics in the standards that will take effect on January 1, 2015, be included for the label for central ACs. Finally, we would like to reiterate our recommendation to include EF on the EnergyGuide label for water heaters.

4. **We recommend developing an EnergyGuide label for portable air conditioners immediately and referencing ANSI/AHAM PAC-1-2009. Waiting until DOE finalizes their test procedure for these products will result in lost benefits to consumers of portable air conditioners.**

Although DOE has recently initiated a test procedure rulemaking for portable air conditioners,[3] we urge FTC to reference ANSI/AHAM PAC-1-2009 for energy performance metrics associated with portable air conditioners. The FTC should require EnergyGuide labels immediately with related metrics outlined in the referenced test procedure. The metrics incorporated in the test procedure include:

i. Single duct energy efficiency ratio (SD-EER)
ii. Dual duct energy efficiency ratio (DD-EER)
iii. Spot cooling energy efficiency ratio (SC-EER)

[3] DOE Rulemaking for Portable Air Conditioners Test Procedures (http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=94)

We believe the benefits associated with providing consumers information regarding these products outweighs the costs associated with potentially switching the metrics in the future. Additionally, the DOE rulemaking process often takes from one to five years to publish a Final Rule, and the compliance date with these rulemakings is often three to five years beyond that publication. To avoid such a delay in EnergyGuide labeling requirements and lost benefits to consumers and related parties, the FTC should reference metrics in ANSI/AHAM PAC-1-2009 as well as the most recent version of this standard, ANSI/AHAM PAC-1-2014[4] and develop EnergyGuide labeling requirement as soon as feasible.

5. We support the proposal to require reinforcing hang tag EnergyGuide labels for refrigerators, dishwashers, and clothes washers.

Although the adhesive labeling requirement would provide the most effective means of ensuring products are labeled at the point of sale, we support the amendment to the Rule requiring cable ties, double strings with reinforced punch holes, or material with equivalent or greater strength, connected with reinforced punch holes. Requiring adhesive labeling on the inside panels of the product, which are typically plastic, would address manufacturer concerns of damage from paper adhesive labels on stainless steel products. Consumers are likely to open such panels frequently when examining products.

6. We support the consolidation of the refrigeration product ranges as this will help consumers make informed purchasing decisions while shopping by refrigerator configuration type. However, we recommend displaying two ranges on the EnergyGuide label: one range comparing the entire product subcategory and one range comparing the entire market.

Available data cited by the Joint Commenters in the SNOPR[5] indicates that consumers consider multiple configurations when shopping for refrigeration products. This warrants the consolidation of categories for refrigeration products since consumers will be better informed regarding the energy consumption of similar products.

However, we reiterate our recommendation to provide two comparison ranges: one range comparing the entire product subcategory (i.e. automatic defrost refrigerator-freezers) and another range comparing the entire market. We believe this will provide the consumer an opportunity to compare that configuration type to the whole market and potentially consider products in the other two range categories, ultimately enabling the consumer to make a more informed decision.

7. We recommend that FTC continue considering QR codes and similar technologies as these will become increasingly popular with new mobile devices in the market aimed at providing consumers with immediate product and market information.

Although the FTC is making progress towards centralizing EnergyGuide labeling to a single database, requiring manufacturer-provided data transmissible through QR and related technologies would enable quicker and more immediate access to this information on mobile devices. The FTC should explore these pathways to enable providing *centralized* information to consumers more effectively since consumers are increasingly likely to use mobile devices when making purchasing decisions. The FTC should consider the standardization of the content associated with QR codes to avoid confusion from different reporting tendencies across different manufacturers.

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[4] Portable Air Conditioners (AHAM PAC-1-2014) (http://www.aham.org/ht/d/ProductDetails/sku/PAC12009/from/714/pid/5132)

[5] FTC Energy Labeling Rule, 16 CFR Part 305, RIN 3084-AB03 (June 18, 2014)

As an example of recent technology that has entered the market, the Amazon Fire mobile phone contains what is called the "Flow" feature which identifies most products when a consumer points the camera to the product's packaging.[6] Upon identifying the product, the phone presents the consumer with the option of purchasing the identified product through their account at the Amazon.com website. Such interactions present opportunities for the FTC to mandate reporting labels and facilitate the distribution of relevant product information.

In conclusion, we would like to reiterate our support to FTC for revisiting the appliance/equipment Energy Labeling Rule. We thank FTC for the opportunity to be involved in this process and encourage FTC to carefully consider the recommendations outlined in this letter.

Sincerely,

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[6] One-Minute Review: Amazon's 'Flow' Image Recognition Beats Barcode Scans (Wall Street Journal, February 5, 2014) (http://blogs.wsj.com/digits/2014/02/05/one-minute-review-amazons-flow-image-recognition-beats-barcode-scans/)