

From: Miller, William [mailto:wmiller@McCarter.com]
Sent: Tuesday, March 10, 2015 12:54 PM
To: Cohen, Daniel
Cc: Cymbalsky, John; rmurphy@aga.org; Schryver, David; Exparte Communications
Subject: RE: AGA/APGA Questions re Pre-publication Furnace NOPR

Dan: thank you for the response. Hopefully, it goes without saying that we want our questions and DOE's responses (and all other correspondence) to be in the public domain for use as appropriate by all interested parties. Your email indicates that DOE is "currently reviewing the questions," but does not state that it intends to answer the questions and post those answers to your public web site, which of course is what is needed if we are to understand DOE's NOPR and the underlying TSD. Please confirm that DOE intends to answer the questions and make those answers public at its earliest convenience. We are working under the assumption that DOE intends full transparency as to its rulemakings (consistent with our agreement in the underlying DFR proceeding), which can only be accomplished if the public understands the underpinnings of its proposed rules, which in this instance is premised upon a complex and opaque TSD that is not self-explanatory even to trained experts, much less the general public. I am copying the DOE ex parte communications address with this email and trust that you will see that it is posted accordingly. Bud

From: Cohen, Daniel [mailto:Daniel.Cohen@hq.doe.gov]
Sent: Tuesday, March 10, 2015 12:13 PM
To: Miller, William
Cc: Cymbalsky, John; rmurphy@aga.org; Schryver, David
Subject: RE: AGA/APGA Questions re Pre-publication Furnace NOPR

Bud,

Thank you very much for your questions. We are currently reviewing the questions. As you know, DOE can't answer questions provided by one party concerning a proposed rule outside the public docket for the rulemaking. As such, we will include these questions in our public docket and post to our ex parte website your e-mail, the questions and this response. Also, DOE will review your clarification comments and update the analytical tools as appropriate based on your observations. I hope to see you at the March 27 public meeting.

Dan

From: Miller, William [mailto:wmiller@McCarter.com]
Sent: Friday, March 06, 2015 10:06 AM
To: Cohen, Daniel
Cc: Cymbalsky, John; rmurphy@aga.org; Schryver, David
Subject: AGA/APGA Questions re Pre-publication Furnace NOPR

Dan: I am attaching, on behalf of the American Public Gas Association and the American Gas Association, a list of technical questions related to the pre-publication furnace NOPR and the underlying Technical Support Document. It is important that these questions be answered as promptly as possible, preferably before the March 27 public meeting, so we and our technical consultants may better understand the underlying bases for the proposed rule. We appreciate DOE's cooperation with this matter and in that regard request that you acknowledge receipt of

this email and indicate when you anticipate DOE will be able provide the responses to our questions. Needless to say, if there are some questions that will delay your response, we would appreciate getting your responses to the other questions when they are prepared (versus sending all responses when the last one is prepared). If you have any questions regarding this email or our questions, please contact me or Rick Murphy at AGA. Thank you – Bud



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