



May 7, 2010

By e-mail: expartecommunications@hq.doe.gov

Daniel Cohen
Assistant General Counsel for Legislation and Regulatory Law
Office of the General Counsel
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0121

Re: Ex Parte Memorandum

Dear Mr. Cohen:

On Tuesday, May 4, 2010, Kit Kennedy and Kate Houren of the Natural Resources Defense Council (NRDC) initiated a telephone call with Daniel Cohen and Bryan Miller of the Department of Energy's Office of the General Council.

During the call, NRDC advocated for the adoption of the consensus agreement,¹ and the parties discussed legal questions relating to the Department of Energy's ability to adopt the consensus agreement's recommended standards for central air conditioners.

Kit Kennedy and Kate Houren also referenced five documents during the call that were previously submitted to dockets concerning central air conditioners. Shortly after the call, Kit Kennedy and Kate Houren provided all five documents to Daniel Cohen and Bryan Miller via e-mail. The documents include (i) a letter from the consensus agreement signatories that was submitted to docket EERE-2009-BT-STD-0022 on April 27, 2010; (ii) comments of Earthjustice and NRDC that were submitted to dockets EERE-2008-BT-STD-0006 and EE-2009-BT-STD-0022 on March 19, 2010; (iii) comments of NRDC that were submitted to docket EERE-2008-BT-TP-0020 on April 27, 2010; (iv) comments of NRDC that were submitted to docket EE-2009-BT-STD-0022 on April 27, 2010; and (v) comments of the Air-Conditioning, Heating, and Refrigeration Institute that were submitted to docket EE-2009-BT-STD-0022 on April 27, 2010.

¹ Agreement on Legislative and Regulatory Strategy for Amending Federal Energy Efficiency Standards, Test Procedures, Metrics and Building Code Provisions for Residential Air Conditioners, Heat Pumps, Weatherized and Non-Weatherized Furnaces and Related Matters, Oct. 13, 2009, at <http://aceee.org/buildings/Furnace-ACAgreement.pdf>.



NATURAL RESOURCES DEFENSE COUNCIL

Respectfully submitted,

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**Admitted to practice in New York, not yet admitted to practice in Washington, DC*

cc: Kit Kennedy
Daniel Cohen
Bryan Miller