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May 22, 2019

**VIA ELECTRONIC MAIL**

Daniel Cohen, Esq.  
Assistant General Counsel for  
Legislation, Regulation and Energy Efficiency  
Office of General Counsel  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

**Re: Summary of Meeting on May 22, 2019**

Dear Mr. Cohen:

This letter is sent in order to comply with requirements to document an ex parte meeting related to pending rulemaking proceedings, in this instance, the recently published petition for an amendment to the rotary air compressor energy efficiency test rule (“Test Rule”). That petition, filed on behalf of my client, Atlas Copco North America LLC, was published last week by the Department of Energy (DOE) in the Federal Register. 84 Fed. Reg. 22395 (May 17, 2019).

You and your colleagues were clear that DOE has made no decision on the merits of the petition; the decision about whether DOE should propose amendments to the Test Rule must await review of any comments submitted in response to the publication of the petition.

We met this morning at Atlas Copco’s request to discuss the petition, questions that DOE personnel might have on the petition and the supporting materials filed with it, and the likely timeline if the consideration of the petition follows the routine time frames in such matters. The subject areas covered in our discussion included these major items:

1. The procedural steps to be accomplished if DOE agrees with the Atlas Copco petition that adjustments are needed to the Test Rule to accommodate the use of ISO1217 test results, particularly with respect to existing models and upcoming state law deadlines for energy efficiency compliance certifications;
2. Functional equivalence between the ISO1217 Test Method and the DOE Test Method prescribed in the Test Rule, and data supporting the view that the ISO1217 Test Method and the DOE Test Method are functionally equivalent;
3. California Energy Commission’s recently adopted rotary air compressor efficiency rule and that state’s treatment of the Test Rule and ISO1217;
4. Effect of legislation adopted in Vermont, Colorado, and Washington State and likely bar on use of existing ISO1217 data for compliance certification, and adverse effects from such action;

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5. Action announced this week in the European Union (EU) likely to result in completion of air compressor energy efficiency rules next year, rules likely reliant on the ISO1217 test method to certify compliance;
6. Limitations on third-party laboratory capacity to conduct rotary air compressor energy efficiency testing.

The individuals attending this meeting on behalf of Atlas Copco were myself, Mr. Luc De Beul, Mr. David Prator, and Mr. Chris Knuffman. Each of Messrs. De Beul, Prator and Knuffman are employees or consultants of the Atlas Copco group of companies.

The following individuals attended on behalf of DOE: Ms. Sofie Miller, Mr. Pete Cochran, Mr. Jeremy Domm, and you.

My client and I very much appreciate the courtesies extended to us and the thoughtful questions raised by DOE personnel during our discussions. We would be pleased to respond to any additional questions and will be submitting additional material to supplement the record to address events arising since the April submission date of the petition.

Please feel free to place this letter in the docket as a summary of the matters discussed at our meeting.

Sincerely,



Russell V. Randle  
Counsel for Atlas Copco North America LLC