

Keller and Heckman LLP
MEMORANDUM

TO: John Cymbalsky

FROM: Alexa Pecht

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DATE: May 2, 2022

RE: *Ex Parte Communication regarding Energy Conservation Program: Test Procedure for Central Air Conditioners and Heat Pumps; Notice of proposed rulemaking and request for comment, 87 Fed. Reg. 16,830 (Mar. 24, 2022) (Docket No. EERE-2021-BT-TP-0030)*

On April 28, 2022, National Comfort Products (“NCP” or the “Company”) met with the U.S. Department of Energy (“DOE” or the “Department”) to discuss the above-referenced rulemaking. The purpose of the discussion was to correct the record concerning NCP’s distribution of space-constrained outdoor units referenced in the notice of proposed rulemaking.

^[1] The identified distributor is not a stocking distributor of NCP and only occasionally handles the Company’s products. Not only does the information on the distributor’s website not reflect the product information that NCP provides to its stocking distributors, but it includes wildly incorrect information about the product’s specifications.

NCP also presented its views on the impact of the above-referenced rulemaking on space-constrained units used in multi-family housing. The meeting attendees included:

Lucas Adin, DOE
Ashley Armstrong, DOE
Jeff Bauman, NCP
John Cymbalsky, DOE

Ken Ford Jr., NCP
Brian Kelly, NCP
Alexa Pecht, Keller and Heckman LLP
Bill Stapleton Jr., NCP
Jean-Cyril Walker, Keller and Heckman LLP

^[1] See Energy Conservation Program: Test Procedure for Test Procedures for Central Air Conditioners and Heat Pumps 87 Fed. Reg., 16,830, 16,841 (Mar. 24, 2022).