



Department of Energy
Washington, DC 20585

December 9, 2016

Holly J. Guest
Assistant General Counsel
The Home Depot
2455 Paces Ferry Rd. C20
Atlanta, GA 30339

The U.S. Department of Energy (“DOE”) grants the petition submitted by Home Depot U.S.A., Inc. (Home Depot) on November 23, 2016 requesting a 180-day extension of the January 23, 2017 date on which any representations of ceiling fans (CF) energy use or efficiency are required by statute to reflect the energy use or efficiency as measured by DOE’s test procedure for that product (Docket No. EERE-2013-BT-TP-0050). 42 U.S.C. § 6293(c)(2). Home Depot timely submitted its petition pursuant to 42 U.S.C. § 6293(c)(3). Specifically, the statute provides that a manufacturer, distributor, retailer, or private labeler may submit a petition requesting that the Secretary extend, for no more than an additional 180 days and with respect to such petitioner, the date by which representations must be made in accordance with any new or amended DOE test procedure. The Secretary may grant an extension upon a finding that the petition demonstrates that meeting the statutory requirement would impose an undue hardship on the petitioner.

Home Depot’s petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Home Depot. DOE has reviewed the petition and finds that Home Depot has sufficiently demonstrated that requiring representations of energy use or efficiency to be based on the new DOE CF test procedure beginning on January 23, 2017, would impose undue hardship on Home Depot. More specifically, Home Depot anticipates the approximately 350 ceiling fan products will have to be tested pursuant to the DOE CF test procedure prior to January 23, 2017 to verify compliance, but it is not feasible to have this testing completed prior to this date. Home Depot contacted three facilities that perform ceiling fan testing – Intertek locations in Courtland, New York and Guangzhou, China, and UL in Nansha, China. These facilities have informed Home Depot that testing cannot be expedited, and based on the volume of products for Home Depot and other manufacturers, testing for Home Depot is unlikely to be completed prior to February 2017, at the earliest. As such, DOE extends, until July 22, 2017, the date by which, under 42 U.S.C. § 6293(c), CF energy use or efficiency representations by Home Depot must reflect testing in accordance with the amended DOE test procedure published on July 25, 2016.

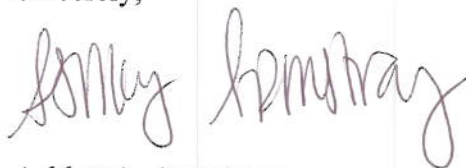
Finally, other than with respect to certifications of compliance with applicable energy conservation standards, DOE notes that the Federal Trade Commission (FTC), not DOE, regulates representations regarding product efficiency. Current Federal energy conservation standards for CFs can be found in 10 CFR Part 430.32(s) for which manufacturers are required to certify compliance. This 180-day extension only applies to the date by which representations



must fairly disclose the results of testing in accordance with the amended Appendix U test procedure (effective August 24, 2016), and does not absolve the manufacturer of other obligations, including certification or compliance with the Federal energy conservation standards.

Should you have any additional questions, please feel free to contact me at Ashley.Armstrong@ee.doe.gov.

Sincerely,

A handwritten signature in black ink that reads "Ashley Armstrong". The signature is written in a cursive style with a large, looping initial 'A'.

Ashley A. Armstrong
Appliance Standards Program

Cc: William L. Troutman, Andy Guo