



**Department of Energy**  
Washington, DC 20585

December 9, 2016

Tony Bacon  
Hunter Fan Company  
Director of Legal Services  
7130 Goodlett Farms Pkwy. Ste 400  
Memphis, TN 38016  
www.HunterFan.com  
Phone: 901.248.2619  
Email: tbacon@hunterfan.com

The U.S. Department of Energy (“DOE”) grants the petition submitted by Hunter Fan Company (Hunter) on October 12, 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). Hunter 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 that the petition demonstrates that meeting the statutory requirement would impose an undue hardship on the petitioner.

Hunter’s petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Hunter. DOE has reviewed the petition and finds that Hunter 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 Hunter. More specifically, Hunter has conducted ceiling fan tests in its own test laboratory instead of utilizing third party test laboratories. Hunter has invested substantially in the capital and resources necessary to have its own ceiling fan test laboratory. Hunter intends to build on its investment by modifying the current Hunter test laboratory to allow for testing under the new procedure. In addition, even if Hunter were to utilize a third party laboratory testing, Intertek Cortland is presently the only test laboratory in the world capable of testing under the new ceiling fan test procedure. Intertek Cortland is back-logged until sometime in November. If Hunter adds its numerous number of fan models to the Intertek Cortland list, in addition to other major manufacturers who have yet to submit fans, Intertek Cortland will miss completing the tests by the January 23rd deadline by a large margin. 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 Hunter 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](mailto:Ashley.Armstrong@ee.doe.gov).

Sincerely,



Ashley A. Armstrong  
Appliance Standards Program

Cc: Bill Walker