



Department of Energy
Washington, DC 20585

November 28, 2016

Craig Messmer, P.E.
Vice President of Engineering
Unico, Inc.

Dear Mr. Messmer,

The U.S. Department of Energy ("DOE") grants the petition submitted by Unico, Inc. on October 5, 2016 requesting a 180-day extension of the December 5, 2016 date on which any representations of central air conditioner and heat pumps (CACs & CHPs) 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-2009-BT-TP-0004-0076). 42 U.S.C. § 6293(c)(2). Unico 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.

Unico's petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Unico, Inc. DOE has reviewed the petition and finds that Unico has sufficiently demonstrated that requiring representations of energy use or efficiency to be based on the new DOE CAC & CHP test procedure beginning on December 5, 2016, would impose undue hardship on Unico. More specifically, Unico asserts that the new test procedure will require the company to conduct hundreds of hours of testing at third-party labs that have up to two month lead times. Unico added that additional time will be needed to update and validate its AEDM and to revise product literature once testing is completed. As such, DOE extends, until June 2, 2017, the date by which, under 42 U.S.C. § 6293(c), CAC & CHP energy use or efficiency representations by Unico must reflect testing in accordance with the amended DOE test procedure published on June 8, 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 CACs and CHPs can be found in 10 CFR Part 430.32(c) 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 M test procedure (effective July 8, 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 blue ink, appearing to read "Ashley A. Armstrong". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ashley A. Armstrong
Appliance Standards Program