



Department of Energy
Washington, DC 20585

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The U.S. Department of Energy ("DOE") grants the petition submitted by Big Ass Solutions (BAS) on November 14, 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). BAS 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.

BAS's petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on BAS. DOE has reviewed the petition and finds that BAS 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 BAS. More specifically, BAS has conducted ceiling fan tests in its own test laboratory instead of utilizing third party test laboratories. BAS anticipates that approximately 32 basic models will have to be tested pursuant to the DOE CF test procedure prior to January 23, 2017. When BAS initiated testing shortly after the final rule was published, it discovered that the laboratory was unable to meet stability requirements at the lower operating speeds as certain design characteristics prevent testing according to the current DOE test procedure. BAS is continuing to investigate the issue including the laboratory upgrades that may be necessary to meet the requirements of the new test procedure. Thus, BAS will not complete the necessary testing to represent their efficiency pursuant to the new test procedure. 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 BAS 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, appearing to read "Ashley Armstrong", written in a cursive style.

Ashley A. Armstrong
Appliance Standards Program