



Department of Energy
Washington, DC 20585

December 28, 2016

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The U.S. Department of Energy (“DOE”) grants the petition submitted by Kichler Lighting (Kichler) on October 26, 2016 requesting an 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). Kichler 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.

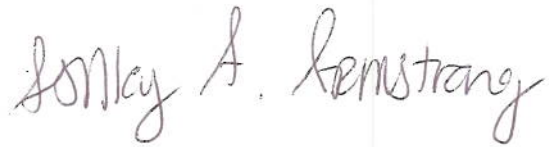
Kichler’s petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Kichler. DOE has reviewed the petition and finds that Kichler has sufficiently demonstrated that requiring representations of energy use or efficiency to be based on the new DOE CF test procedure beginning on January 23, 2017, would impose undue hardship on Kichler. More specifically, Kichler will be required to perform 332 individual test in the third-party laboratory. The third-party lab indicated that the testing along will take a minimum of 83 days, provided the lab conducts these tests seven days a week. 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 Kichler 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 cursive script that reads "Ashley A. Armstrong". The signature is written in dark ink and is positioned above the printed name.

Ashley A. Armstrong
Appliance Standards Program