



Department of Energy  
Washington, DC 20585

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The U.S. Department of Energy (“DOE”) grants the petition submitted by Air Comfort Products (ACP) on November 15, 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). ACP 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.

ACP’s petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on ACP. DOE has reviewed the petition and finds that ACP 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 ACP. More specifically, ACP’s “Blade Select” customer-friendly program allows users to custom-build a fan from one of six models and match it with one of 17 different blade styles. This product offering, plus ACP’s standard unipack product offering totals 193 such combinations that need testing to the new DOE test procedure. In this case, CFM testing requirements become onerous, if not impossible to complete by January 23, 2017. In addition, the third party laboratory availability is also an issue due to a large number of models that require testing. 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 ACP 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,

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

Ashley A. Armstrong  
Appliance Standards Program