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Via E-Mail - GC\_comments@hq.doe.gov

December 7, 2010

Mr. Scott Blake Harris  
General Counsel  
U.S. Department of Energy  
1000 Independence Ave., S.W.  
Washington, DC 20585

**Subject: Your Request of 11-30-2010 Regarding Clothes Washer Test Procedure Waivers**

Dear Mr. Harris:

Thank you for asking for our comments. Alliance Laundry Systems LLC (ALS) is knowledgeable of the multiple petitions for waiver to the Department's Clothes Washer Test Procedure, regarding the need for an expanded "test load size" table to account for clothes container capacities beyond the existing test procedure Table 5.1 maximum capacity of 3.5 cubic feet. While we do not manufacture clothes washers subject to the Department's rules larger than 3.5 cubic feet, we do not have any issue with the competitor manufacturers who have requested utilizing "a generally linear expansion" of the existing Table 5.1 to arrive at the proper test loads to utilize in conducting the required DOE energy efficiency test. A linear expansion is a reasonable method.

Your main interest however regards how to treat the multiple requests, where apparently some manufacturers utilized the existing Table 5.1 maximum test load cited, and some manufacturers utilized their proposed expanded table as defined in their request.

ALS believes units already rated, whether by a new test method "correctly" or "incorrectly", be grandfathered, which is fair to both manufacturers and end users. Changing things after-the-fact, confuses everyone.

While there may be individual competitive impacts, ALS believes they are caused by both the manufacturer and DOE's failure to properly communicate. We certainly do not have all the gritty details of what the other manufacturers may have assumed, or factually did, but we do know that DOE has certainly failed to address the petitions for interim waiver and permanent waiver in a timely manner. The evidence of DOE's lack of timeliness follows:

- Whirlpool, submitted their petition for waiver and request for "interim waiver" on November 21, 2005, and DOE took 9-months until August 23, 2006, to grant this request. DOE only recently granted Whirlpool's "permanent wavier request" on November 15, 2010 by notice in the *Federal Register*, **which is some 5-years later!!**
- GE submitted their petition on June 21, 2010 and DOE took 3-months to approve the "interim waiver" per *Federal Register* notice on September 23, 2010.
- Samsung submitted their petition on July 20, 2010 and DOE took 2-months to approve the "interim waiver" per *Federal Register* notice on September 23, 2010.

- LG submitted their petition on September 24, 2010 and DOE took 2-months to approve the “interim waiver” per *Federal Register* notice on November 24, 2010.

We do not know what these manufacturers have requested from DOE regarding an equitable resolution, and we are hampered by that lack of knowledge. Since we are a small manufacturer in the industry we have not been able to justify the kind of large investment required to bring forth a large-capacity clothes washer beyond 3.5 cubic feet rating, and we are disadvantaged in the marketplace by the manufacturers who have one. ALS prefers that DOE not provide any further advantage to any of these manufacturers. We also do not want to see any significant federal dollars being spent on this issue, and all parties should accept what occurred in the past, learn from the experience, and get on with business.

Respectfully submitted,



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