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NEMA COMMENTS ON
CALIFORNIA ENERGY COMMISSION
INFORMAL STAFF DRAFT OF
EXPRESS TERMS OF PROPOSED REGULATIONS
"15 DAY LANGUAGE"
AMENDMENT TO APPLIANCE EFFICIENCY REGULATIONS
CALIFORNIA CODE OF REGULATIONS, TITLE 20, SECTIONS 1601-1608

NEMA is the leading trade association in the United States representing the interests of electroindustry manufacturers. Founded in 1926 and headquartered near Washington, D.C., its 400 member companies manufacture products used in the generation, transmission and distribution, control, and end-use of electricity, including lighting products. Domestic shipments of electrical products within the NEMA scope exceed $100 billion. We request that the Commission consider NEMA's comments below in its standards development process at the full hearing of the Commission on December 1, 2004 and in any further proceeding on this matter.

GENERAL COMMENTS

NEMA appreciates the opportunity to comment on the proposed regulations as described in the CEC's "15 DAY LANGUAGE" dated November 5, 2004. NEMA favors high efficiency products because they are good for the public and the economy. We again note that many of the products under consideration are subject to current or future federal government actions on efficiency, testing, labeling and/or reporting requirements. In this recent draft CEC has not eliminated any of the legal, technical, or economic concerns that NEMA has elucidated on numerous occasions, most recently in our comments of October

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29, 2004 on the "45 DAY LANGUAGE". As a policy matter, NEMA is opposed to state efforts to set mandatory standards that differ from federal standards and policy, as such efforts save little or no energy and add costs to manufacturers and consumers. NEMA has made its views on this policy matter abundantly clear before the Commission and in court. NEMA has also made its views known on these subjects in prior submissions to the Commission in Docket No. 03-AAER-1, and we incorporate those comments in this submission. *See* NEMA Comments on Proposed Additions/Revisions to Title 20 dated August 1, 2003 (Dkt. 03-AAER-1); NEMA Comments on Proposed Amendments to Appliance Efficiency Regulations (Preliminary Working Staff Draft) dated May 12, 2004 (Dkt. 03-AAER-1), and NEMA Comments on Proposed Amendments to Appliance Efficiency Regulations (May 27 and 28, 2004 workshop transcript) dated June 14, 2004 (Dkt. 03-AAER-1).

CONCLUSION

CEC's proposed energy conservation standards for various lighting systems products are preempted by the comprehensive national regulation of these products by the Department of Energy under the National Appliance Energy Conservation Act, as amended by the Energy Policy Act of 1992, 42 USC §6291 *et seq.* CEC is without legal authority to promulgate the proposed regulations for these products.

The record in this proceeding lacks substantial evidence to support the rulemaking proposals for the lighting systems products and CEC should take no action based on that inadequate record. The proposed regulation of these lighting products is ill-advised, anti-consumer, imposes unreasonable and unnecessary burdens on manufacturing and distributors of lighting products, injures the California economy as well as the national economy and will not lead to energy savings

Respectfully submitted,

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