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CALIF ENERGY COMMISSION
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Setting Standards for Excellence

June 14, 2004

Docket No. 03-AAER-1
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, CA 95814-5512

NEMA COMMENTS ON
CALIFORNIA ENERGY COMMISSION
PROPOSED AMENDMENTS TO APPLIANCE EFFICIENCY REGULATIONS
Workshop of May 27 and 28, 2004

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. During the workshop it was indicated that the record would be kept open for some indefinite period. We request that the Commission consider NEMA's comments below on the transcript of the workshop on May 27 and 28, 2004.

1. The proposed categories of "State-Regulated General Service Incandescent Lamps" and "State-Regulated Incandescent Reflector Lamps" are clearly preempted by federal law and all references to them must be deleted in their entirety. We do not understand the short shrift given to this matter by the hearing participants. These products are specifically treated in the federal legislation and have U. S. Department of Energy testing standards for efficacy and color rendering index and many of them have DOE efficacy or wattage standards. The characterization of their federal regulation as minimal or non-existent in the transcript is wrong. NEMA opposes this CEC proposal.

2. As pointed out in the CEC materials, the Energy Policy Act of 1992 required DOE to evaluate the merit of regulation of HID lamps. At the June 9, 2005 DOE meeting on fiscal year 2005 priorities, DOE counsel indicated that the equipment Congress directed DOE to consider in this Act including HID lamps is "covered" and that state standards are therefore preempted for these products. Consequently, CEC should cease actions on HID lamps as well as incandescent lamp products. NEMA opposes this CEC proposal.

3. Table N-2 of the *PROPOSED AMENDMENTS TO APPLIANCE EFFICIENCY REGULATIONS* is added to include "Energy Efficiency Standards for Under-Cabinet Fluorescent Luminaire Ballasts". The workshop discussion seemed to acknowledge that the benefit of the proposed product standard would realistically be only for product

replacements in existing spaces, since new spaces (beginning October 2005) would have to satisfy Title 24 2005. An energy analysis on this replacement only basis would likely show far less energy savings from a product standard than is used to rationalize the proposed requirement. Retrofits of existing buildings would be more appropriately handled in the AB 549 process, the specific purpose of which is appropriate application of more recent requirements to existing spaces at appropriate milestones in a building's lifetime. NEMA opposes this CEC proposal.

Sincerely yours,

Edward Gray

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Dear Dockets Personnel;

Please docket the attached 3 documents into Docket #04-AAER-1.

These items were originally docketed in 03-AAER-1, but have been referenced by submittals in the new docket, requiring us to place them in the new docket.

Thanks,

Jim Holland