

DOCKETED

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December 31, 2018

Commissioner Andrew McAllister
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: California Energy Commission Proposed Rules Governing Energy Efficiency
of Rotary Air Compressors
Docket No.18-AAER-05

Dear Commissioner McAllister:

This letter is submitted on behalf of Atlas Copco North America to ask that the California Energy Commission postpone consideration of the proposed compressor efficiency rules from the agenda of the January 9, 2019 Commission business meeting. Atlas Copco requests that the matter be removed from that January 9 business meeting agenda in order for the Commission to avoid prejudging the merits of the proposed language submitted in Atlas Copco's comments submitted on December 21, 2018 in connection with this rulemaking.

As you know, the hearing about the proposed compressor efficiency rules is scheduled for Thursday, January 3, 2019. Atlas Copco will appear and present testimony and respond to questions at that hearing.

Atlas Copco's proposed revision to the language about compliance certification in section 1606 of the proposed rule would address our client's very serious concerns about costly and duplicative testing that the currently worded proposal would require. With the requested change, Atlas Copco is prepared to support adoption of the Commission's proposed rule, even though the changeover would result in the likely withdrawal of a number of less efficient compressor models from the California market.

Because Commission rules require that the wording changes suggested by Atlas Copco be subject to a new comment period of fifteen days, notice of potential adoption of the rules on January 9, 2019, seemingly forecloses the possibility the Commission will meaningfully consider the proposed revision sought by Atlas Copco. Because the

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Commission has set the agenda to include adoption of the proposed rules even before the close of the comment period and before the hearing, insistence on that January 9 timing would suggest that the Commission intends no meaningful consideration of Atlas Copco's requested revision of the rules. Moving the matter to the next Commission business meeting on February 20, 2019 or in March 2019 would allow for appropriate revisions to be circulated for comment.

While we doubt that the Commission means to prejudge the merits, in order to preserve its rights and to protect the record here against any later claims that it has waived this issue, Atlas Copco respectfully objects to Commission noticed consideration of the rules on January 9, 2019, since that timing would deprive Atlas Copco and similarly situated parties of their due process and statutory rights under federal and California law.

Respectfully submitted,



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