

DOCKETED

Docket Number:	18-AAER-05
Project Title:	Commercial and Industrial Air Compressors
TN #:	226277
Document Title:	Atlas Copco Comments for CEC Jan 9 2019 Business Meeting
Description:	N/A
Filer:	Michelle Chester
Organization:	Somach Simmons & Dunn
Submitter Role:	Other Interested Person
Submission Date:	1/8/2019 12:04:59 PM
Docketed Date:	1/8/2019



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January 7, 2019

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

Re: California Energy Commission January 9, 2019 Business Meeting
Agenda Item 4

Dear Commissioners:

This letter is submitted on behalf of Atlas Copco North America to request, again, 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 supports the Commission's proposal for energy efficiency, testing, and reporting requirements for industrial and commercial rotary air compressors offered for sale in California. However, this support is contingent on revisions to the proposed regulatory language to allow for the use of ISO1217 test data, which would avoid the financially burdensome task for manufacturers of re-testing models which have already been proven to meet California's desired energy efficiency standards.

Atlas Copco submitted comments in which it offered revisions to section 1606 of the proposed rule regulatory language regarding compliance certification to address serious concerns about costly and duplicative testing that the currently worded proposal would require. The majority of the comments in the proceeding—from a variety of public and private interests—similarly requested that staff revise the compliance certification section to allow for the use of ISO1217 test data to prevent duplicative testing of models for sale in California. Not only would these revisions relieve a financial burden on manufacturers of industrial and commercial air compressors, large and small, but it would also ensure that manufacturers do not abandon the California market or severely limit those models for sale in the State, to the consumer's detriment.

At the very least, Item 4 should be removed from consideration at the January 9, 2019 meeting to address the seemingly inadvertent omission of reference to Code of Federal Regulations, Title 10, section 431.343 in staff's proposed regulatory language, which is an

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important reference to the federal test methods upon which Energy Commission staff's proposal rule relies.

Moreover, as stated in prior comments docketed in 18-AAER-05, and as repeatedly voiced at the January 3, 2019 public hearing, Atlas Copco is also concerned that the public comments solicited during the statutorily required 45-day public comment period and at the public hearing are not being meaningfully considered by the Commission. Potential approval of the regulations regarding commercial and industrial air compressors was noticed on December 28, 2018 with the issuance of the January 9, 2019 Business Meeting agenda; this was same day as the close of the comment period for the air compressor proceeding and before the public hearing even occurred. The sequence of scheduling foreclosed the possibility that staff would issue revisions to the proposed regulatory language, because substantive revisions to proposed regulations must be circulated for an additional 15-day comment period. This timeline raises serious questions as to whether the public was afforded procedural due process protections of the California Constitution and the Administrative Procedure Act.

Therefore, Atlas Copco respectfully reiterates its request that the Commission postpone consideration of Item 4 of the January 9, 2018 Business Meeting agenda regarding the appliance efficiency regulations rulemaking for commercial and industrial air compressors.

Respectfully submitted,



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