

**DOCKETED**

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Submitted On: 9/18/2023  
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**PHTA Comments on 2nd 15 day language, Docket # 23-FDAS-01**

*Additional submitted attachment is included below.*



September 18, 2023

Submitted via: [Docket Log 23-FDAS-01](#)

Commissioner J. Andrew McAllister, Ph.D.  
California Energy Commission  
Dockets Office, MS-4  
1516 9th Street  
Sacramento, CA 95814

Re: Pool Controls, second 15-day Proposed Regulatory Language, Docket # 23-FDAS-01

Dear Commissioner McAllister:

The Pool & Hot Tub Alliance (PHTA) represents more than 3,650 company members and over 11,000 individual members nationwide, including companies that manufacture pool pump controls as well as controls for other pool equipment. PHTA has a long history of working with the California Energy Commission (Commission or CEC) and appreciates the opportunity to continue a positive collaboration to ensure the Flexible Demand Appliance Standards that are issued for pool controls will be something consumers will utilize and that manufacturers can provide.

We submit the following comments to the proposed 15-day regulatory language on behalf of our member companies, many of which will also be responding individually. PHTA welcomes your careful consideration of these comments. If you have any questions on these comments, please contact me at [jen@jhatfieldandassociates.com](mailto:jen@jhatfieldandassociates.com) on behalf of PHTA.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Hatfield".

Jennifer Hatfield  
Government Affairs Consultant  
Pool & Hot Tub Alliance

cc: Justin Wiley, PHTA VP of GR, Standards and Codes, [jwiley@phta.org](mailto:jwiley@phta.org)

PHTA and its members support California and the Commission's efforts to reduce energy demand and lessen greenhouse gas emissions by establishing a statewide flexible demand appliance standard for pool controls. We appreciate the CEC considering and taking some of our suggestions as presented in our April 10, 2023, and July 10, 2023, comments. However, several concerns remain as well as new concerns now present, based on significant changes that were included in the September 1, 2023, second 15-day proposed regulatory language. We urge the CEC to heavily weigh the following comments before finalizing this rulemaking.

### **Section 1691. Definitions.**

#### Connected Device

PHTA suggest the following change:

"Connected Device" means any device that can ~~wirelessly~~ communicate via open standards with entities outside the device by means of integrated or separate communicated hardware or software. A device that is able to receive but not send communications is not a connected device.

By removing "wireless" it allows for more products currently on the market to meet the definition of a "connected device" such as legacy controls that can be wired directly to a router. Eliminating the constraint of only a wireless communication also provides for future technology that may make more sense to be wired or connected via a means not aligning with the term "wireless". It is important the regulation does not impede manufacturer's ability to innovate. Removing "wireless" does not affect the regulations intent, but simply opens the possibility for additional product, both current and future, to comply.

#### Personal Information

PHTA supports the changes to how personal information is defined by simply referring to the relevant California Code. We simply ask that it be assured there is nothing elsewhere within this new proposed regulation for flexible demand appliance standards that would be inconsistent with and therefore conflict with how California Civil Code Section 1798,140(v) defines personal information.

#### Pool Control

PHTA suggest the following changes:

"Pool control" means equipment with the capability to start, stop, or otherwise control the operation of a pool filter pump and includes, but is not limited to, a pool timer, pool pump switch, heater switch, direct load control switch, or any component

or group of components, including software, that has the capability to schedule the operation or control the start or stop times of a pool filter pump. Pool controls may control other pool equipment in addition to a pool *filter* pump.

1. Pool control excludes:

(A) controls marketed exclusively for use as a control for pool filter pumps with a rated hydraulic horsepower (hhp) greater than 2.5 hhp; or

(B) safety interlock ~~of~~or shutoff controls; or

(C) controls integral to a single pool filter pump or pump motor that are capable of controlling only that pump or motor;or;

(D) Manually operated on/off switches, circuit breakers and similar devices that are only able to turn the pool filter pump on or off are not considered a pool control.

Add new definition as follows:

“Safety interlock or shutoff controls” means equipment intended to allow and interrupt power to pool equipment to prevent damage, operation, or startup in an unsafe condition without the means to otherwise control or schedule the operation of a pool filter pump.

Safety interlock and shutoff controls are two different products; therefore, it should be an “or” and not an “of” under 1B. PHTA is also suggesting the Commission consider adding a definition to provide clarity as to what these products are. Finally, PHTA is suggesting a new exclusion be created to ensure these products are not incorporated.

### **Section 1693. Appliance Specific Standards.**

#### Effective and Compliance Dates

PHTA strongly encourages the Commission to not tie an effective or compliance date to the Department of Energy’s (DOE) dedicated purpose pool pump motor (DPPPM) rule. The DOE rule and this CEC proposed rule are separate business streams. Further, by connecting the two rules there is possibility for confusion and unintended consequences. It is much simpler and prevents possible issues if the effective date is tied to this rulemaking alone.

In terms of what that timeframe should be, PHTA manufacturers will need adequate time to design, test and manufacture compliant product for the market. The fact the updated language eliminates a “connected ready” period option does simplify things, but it also means less product currently on the market would meet the regulations as currently

proposed. The average product development time for manufacturers is four years. With the limited product on the market that currently would comply without any revisions, it is critically important to both manufacturers and consumers the Commission consider a four-year effective date from adoption by the Commission. Two years is simply not adequate. DOE recognized the development time needed for the small motor category, where little to no product exists, in their recent DPPPM rule, and they provided industry four years. The same applies in this case.

### **Conclusion**

The suggested PHTA modifications to the latest proposed regulatory language are opportunities for further improvement that we strongly urge the Commission adopt before issuing a final rule.