

LAW OFFICES OF
**NIELSEN, MERKSAMER,
PARRINELLO, MUELLER & NAYLOR, LLP**

MARIN COUNTY
591 REDWOOD HIGHWAY, #4000
MILL VALLEY, CALIFORNIA 94941
TELEPHONE (415) 389-6800

FAX (415) 388-6874

1415 L STREET, SUITE 1200
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

FAX (916) 446-6106

SAN FRANCISCO
225 BUSH STREET, 16TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 389-6800

FAX (415) 388-6874

October 17, 2005

Jackalyne Pfannestiel
Commissioner and Presiding Member

Arthur Rosenfeld
Commissioner and Associate Member

California Energy Commission
1516 Ninth Street, MS-25
Sacramento, CA 95814-5512

DOCKET 05-AAER-1
DATE OCT 17 2005
RECD. OCT 18 2005

RE: Docket 05-AAER-1
Proposed Amendments to Appliance Efficiency Regulations

Dear Commissioners Pfannestiel and Rosenfeld:

On behalf of our client, Lexmark International, Inc., I write to express support for the proposed amendment to the Commission's appliance efficiency regulations. Lexmark makes it easier for businesses and consumers to move information between the digital and paper worlds. Since its inception in 1991, Lexmark has become a leading developer, manufacturer and supplier of printing and imaging solutions for customers in more than 150 countries. Founded in 1991, Lexmark reported \$5.3 billion in revenue in 2004.

As originally enacted, the appliance efficiency regulations could have resulted in several possible negative outcomes. Lexmark would have to discard a large number of replacement part external power supplies currently on hand, complete an expensive and time consuming redesign process, or manufacture and stockpile a large number of replacement parts before the applicable deadline. The proposed amendment, however, allays these concerns.

Specifically, Lexmark supports the revised deadline applicable to external power supplies found on page 131, Section 1605.3 u (1).

Power supplies that are made available by a product manufacturer as accessories, service parts, or spare parts for its products manufacture red prior to July 1, 2006 shall be exempt from the requirements in Table U-1 and Table U-2 until June 30, 2009.

Power supplies that are made available by a product manufacturer as accessories, service parts, or spare parts for its products manufacture red between July 1, 2006 and December 31, 2007 shall be exempt from the requirements in Table U-2 until December 31, 2010.

Consumers occasionally need a spare or replacement part for a Lexmark product they have previously purchased. Extending this timeline will make it easier for Lexmark to provide spare or replacement parts to consumers who have already purchased our products.

Thank you for your consideration of these comments. I would appreciate being added to the Commission's mailing list for additional notices pertinent to the appliance efficiency regulations or related rulemaking activities. Please do not hesitate to contact me at (916) 446-6752 should you have any additional questions about Lexmark's position.

Sincerely,



Gene Erbin

cc: Patrick Brewer, Lexmark International