

To Whom It May Concern,

My name is Javier Payan; I am President of Payan Pool Service, Inc. in San Diego. I am a C-61 and C-53 Pool contractor and have been in business for 22 years.

My company does pool maintenance, repairs, equipment installations, and warranty service work for Pentair Pool Products, Jandy, Hayward, Raypak, Del Ozone, and Polaris Pool Systems.

I have some concerns about pool pump replacement policy as it relates to the California Energy Commission.

First of all, let me start by stating that I think that the variable speed technology pumps are a terrific new product that works fantastic. In fact, if a pool is properly designed and the plumbing configurations are made accordingly, peak efficiency can be achieved. However it is not necessarily the right pump for all applications:

1. Since the Energy Commission takes little or no consideration to the plumbing hydraulics and drain covers of pool system prior to giving rebates or recommending these pumps be used as retrofits, it is possible to take a relatively safe pool and turn it into a suction entrapment accident waiting to happen.

In the cases in which we have installed these pumps, the job site had to first be pre-qualified to make sure the product is applicable to the installation. In many cases it is not!

2. Since there is no "licensing" requirement is needed to get rebates, I strongly believe that no pre qualifying of job sites will be taken into consideration by unlicensed contractors more interested in forcing these pumps onto their customers in order to get these rebates. I frankly find this to be an unbelievable and appalling partnership with the utilities, installers and manufacturers.

3. Being in the middle of a recession, adding this extra cost bourdon onto consumers is insensitive to the consumer's pocket books.

Some options I would like to see considered:

1. Rebates available to consumers and "licensed" contractors only if pumps are installed by licensed contractors.
2. Rebates available for single speed, energy efficient motors as well as two-speed pumps.
3. Make variable speed pumps available only through licensed contractors (C-61 or C-53).

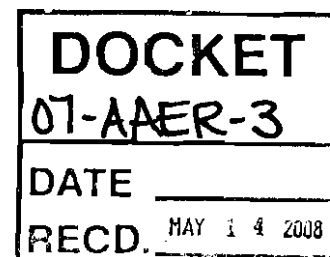
It is my observation that there is a high number of unqualified installers "running around" claiming to be professionals. Partly due to the ease in entering into the pool and spa business as well as the lack of enforcement by the CSLB, emphasis on sales at distribution and manufacturer level, consumer expectation levels, and the lure of making a fast buck. In contrast, there are a number of great contractors that take safety into consideration over sales.

Mandating these pumps be retrofitted is a mistake and "IS" going to cause somebody to get killed.

Please take this into consideration when finalizing your decision.

Sincerely,

Javier Payan  
President,



Payan Pool Service, Inc.  
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