

PG&E and APSP Comments Regarding: Residential Pool Pump Measure Revisions

Submitted to:
California Energy Commission
In consideration for the 2008 Rulemaking Proceeding on Appliance Efficiency Regulations,
Docket number 07-AAER-3

Prepared by:
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DATE	MAY 23 2008
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Last Modified: May 23, 2008

This report was prepared by Pacific Gas and Electric Company and funded by the California utility customers under the auspices of the California Public Utilities Commission.

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INTRODUCTION

The email exchange below between Carvin DiGiovanni (APSP) and Gary Fernstrom (PG&E) provides written record that the APSP 10 Pump/Motor Committee has unanimously voted to support the position that the scope of Residential Pool Pumps in the California Energy Commission's (Commission) appliance efficiency regulations (Title 20, Cal. Code Regs., §§ 1601 – 1608) should be amended to explicitly include the pump, pump motor, and replacement motors.

February 8, 2008 Email from Carvin DiGiovanni

From: Carvin DiGiovanni
Sent: Friday, February 08, 2008 2:17 PM
To: Fernstrom, Gary
Subject: APSP Response-- Pool Pump Motor Response to the CEC

Gary, the APSP 10 Pump/Motor Committee Mfrs. have cast their ballot on this issue and as an industry, have given complete support and endorsement of the interpretation as you have expressed it in your January 30, 2008. Not one company voted against your interpretation and understanding of the intent which was set out by the group back in the early days of this process.

Please let me know what else you might need to help get this point across to the powers that be.

Regards, Carvin

February 5, 2008 Email from Carvin DiGiovanni

From: Carvin DiGiovanni [mailto:CDiGiovanni@APSP.org]
Sent: Tuesday, February 05, 2008 9:57 AM
To: Angelo Pugliese; Cindy Leang; David Allen; Fernstrom, Gary; Gary Ortiz; Greg Wilson; Howard Richardson; Jan Baljon; Jeff Farlow; John Mosher; John Schrader; Ken Osborne; Lee West; Lee West; Mark Normyle; Miguel Vergara; Richard Crispen; Richard Smith; Rob Stiles; Ron Griffin; Clay, Scott; Shajee Siddiqui; Steve Barnes; Steve O'Brien; Tim Stessman
Cc: Bill Weber; Don Burns, SPEC
Subject: URGENT-CEC/PG&E 2-Speed Motor Issue

To: APSP 10 Motor/Pump Standards Committee

From: Carvin

Re: Request from Gary Fernstrom on a Developing Problem with the Interpretation of 2- speed Pumps

Industry assistance is requested. See below message and request from Gary Fernstrom to help him so he can help us.

Note from APSP 10 Chair, Steve Barnes... *Please take a moment to review Gary's comments below. He does a great job explaining the situation with replacement pump motors and he is asking for our help. Given all the*

hard work this group put into reaching consensus on this subject, is there any reason we cannot support Gary with one unified voice?

FOR ACTION:

Speaking on behalf of your company, can you support Gary's explanation/interpretation below? **PLEASE RESPOND BY FRIDAY, FEBRUARY 8, 2008.**

YES ___ NO ___

Comments: _____

From Gary:

The Problem:

During the advocacy and adoption process for the appliance energy-efficiency regulations for swimming pool pumps and motors, we intended and I think collectively thought that the 2 or multi-speed requirement effective January 1, 2008, applied to pool pump products as well as replacement motors. While this was the intention, and I think the common understanding, both the motor efficiency and the 2-speed requirement falls in the regulations under the heading, "*Residential Pool Pumps*". Residential Pool Pumps are defined elsewhere in the Regulations as follows, "*Residential pool pump* means a pump used to circulate and filter pool water in order to maintain clarity and sanitation."

Although it's not what we meant or thought, an attorney could reasonable argue that the motor efficiency and 2 or multiple speed requirements only apply integral pump-motor products. Conversely, since motors are not explicitly mentioned in the definition, one might argue that motors are covered as they are integral components of pumps, both sold as new or as replacements.

Anyway, the CEC has chosen the least risky interpretation of this as they have told A.O. Smith that motor efficiency reporting is not required, and Leslie that replacement motors are not covered by the 2 or multi speed requirement. Following that logic, one might similarly conclude that the motor efficiency requirements do not apply to replacement pool pump motors, which is not what we intended or what I believe is actually happening in the market.

The Plan:

As a consequence of conversations with Bill Stack and our attorney, we are planning to draft a letter to the CEC stating that their current interpretation is not what we meant or thought. This would draw on the evidence presented in our CASE study, anything that might have been said during the proceedings and entered into the record, statements of the recollection of parties to the proceeding, and any subsequent understandings or clarifications we have had with the industry.

Toward that end, I will:

- Review all materials relating to the proceeding to try to draw out our real intent
- Modify our current mutually agreed to "clarification" letter to explicitly reflect our desired interpretation
- Contact Mike Martin, who while presently retired, is the only CEC staff person that might have a personal recollection of our intent
- Draft another e-mail to the CEC asking for immediate reconsideration of this

Leo Rainer has modified our current "template" (statement of the clarifications and improvements we'd mutually like to make in the current proceeding) to make this explicitly clear.

What we would like you to do is to issue a statement from APSP stating the Associations intent, understanding, and desire, as well as similar statements from each major stakeholder that you can get. If we can present our position relatively un-opposed, there's a good chance we can get the CEC to reverse its interpretation. If someone strongly objects arguing that they had no opportunity to present their views in a public process, we may have to resolve this through an additional or the current public process that the CEC would conduct or is conducting. This would obviously take much longer.

I'll be out of the office until next Tuesday, but I hope you can be working on this such that we can get something to the CEC by the end of next week.

Thanks,

GARY