



National Electrical Manufacturers Association

Representing Electrical and Medical
Imaging Equipment Manufacturers
www.nema.org

May 30, 2012

Submitted via email to Docket #12-BSTD-01

Ms. Karen Douglas
Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

DOCKET

12-BSTD-1

DATE MAY 30 2012

RECD. MAY 31 2012

NEMA Comments to Proposed Title 24 15-day Language Concerning Thermostat Requirements

The National Electrical Manufacturers Association (NEMA) appreciates the opportunity to bring the following concerns to your attention.

As you may know, NEMA is the association of electrical equipment manufacturers, founded in 1926 and headquartered in Arlington, Virginia. Its member companies manufacture a diverse set of products including power transmission and distribution equipment, lighting systems, factory automation and control systems, and medical diagnostic imaging systems. Worldwide annual sales of NEMA-scope products exceed \$120 billion. These comments are submitted on behalf of NEMA Thermostat companies.

Thank you for your consideration of these concerns. In your reply to these matters and for any questions regarding these issues, please contact Alex Boesenberg of NEMA at 703-841- 3268 or alex.boesenberg@nema.org.

Sincerely,

Kyle Pitsor
Vice President, Government Relations

Attachment

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1. First, NEMA wishes to thank the CEC for their efforts and for trying to address our written concerns in a way that might still realize the CEC's goal of increasing the use of these devices in California.
2. **Intellectual Property:** We appreciate that the draft code language makes thermostats with modular radios (Upgradeable Setback Thermostats in the 45-day language) an optional item thus not mandating their manufacturer or use. However, the problems of patent and intellectual property remain unchanged for those companies who elect to or otherwise become obligated to provide these devices. In that way, our concerns as outlined in NEMA letters from November 2011 and January 2012 have still not been addressed and will remain as long as modular-radio devices are encouraged by the code. We remind CEC that these devices are more concept than reality; their use is relatively unheard of today. It still does not make sense to try to steer the market towards them.
3. **Mandatory versus Optional for Residential:** NEMA appreciates the suggestion in the revised code language that communicating thermostats be optional in single-family residential homes and be a trade-off for solar ready roofs. This provides more options to builders and allows homeowners and builders to not be otherwise obligated to use these devices. This proposal addresses NEMA's concerns about de-facto mandatory participation in demand response programs. However, it is possible if not likely that intellectual property issues stated previously could arise for modular radio thermostats used in these applications.
4. **Mandatory Use in Commercial buildings:** NEMA does not disagree that commercial buildings should be encouraged to participate in demand response programs, in fact many already do. Since this area of demand response is already well-established, it does not make sense though to reinvent the wheel or add unnecessary mandatory requirements. The new code need not require communicating thermostats in commercial building because they are already popular in this sector.

Conclusions

NEMA suggests the language for modular radios in thermostats be removed from the joint appendix JA-5 and that the application of communicating thermostats carry forward as optional in single-family residential as a trade-off for solar ready roofs. Communicating thermostats need not be mandatory in commercial buildings because demand-response is already popular in this sector.