GAMA-*An Association of Appliance & Equipment Manufacturers*
2107 Wilson Boulevard • Suite 600 • Arlington, VA 22201 • Phone: (703) 525-7060 • Fax: (703) 525-6790 • www.gamanet.org

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July 20, 2005

California Energy Commission
Docket No. 05-AAER-1
Docket Unit
1516 Ninth Street, Mail Station 4
Sacramento, CA 95814

We have the following comments on the proposed amendments to the Appliance Efficiency Regulations, Docket No. 05-AAER-1

Section	Comment
1603 (c) (2)	This provision should be simplified to indicate that if a waiver has been granted and it is not conditioned on adherence to an alternate test procedure, then the manufacturer is not required to test any units. If, in granting the waiver, the U.S. Department of Energy (DOE) has not prescribed an alternate test procedure, the Commission does not have the authority to develop its own alternate assessment method. The DOE waiver process invites participation by any interested party. The Commission has the opportunity to comment on what, if any, alternate test procedure should be used for the product for which the waiver has been requested. However, once DOE decides on the waiver, the Commission has no authority to change that decision. Using some euphemism for alternate test procedure does not negate the fact that the Commission cannot prescribe test procedures for federally regulated products.
1606 (3) D, Exception 2	All references to alternative assessment method should be deleted.
Table V	The "First Hour Rating" requirement for "Mini-Tank Electric Water Heaters" and "Other Small Electric Water Heaters" should not be replaced by a requirement for the Maximum Gallons per Minute. This proposal is flawed for several reasons. No test procedure is prescribed for measuring the gallons per minute flow. We are not aware of any mini-tank electric water heaters that are not federally regulated products. Notwithstanding that, we note the following. By definition a mini-tank electric water heater has a storage volume of between 1 and 20 gallons. It is not an instantaneous water heater. These mini-tank water heaters usually have one heating element with an input of 1.5 kW.

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That element cannot heat more than about 9 gallons over a 70° F temperature rise in an hour or about 12 gallons over a 50° F temperature rise in the same time. Converting these values to a per minute basis, we get .15 Gpm and .20 Gpm, respectively. Once the "mini-tank" is emptied of its stored hot water, the subsequent Gpm of hot water is meaningless. On the other hand, the initial Gpm of the unit is dependent on the flow rate of the faucet(s), not the design of the water heater.
The "Other Small Electric Water Heaters" are the typical residential tank type storage water heaters covered by NAECA, which have volumes from 20 to 120 gallons. The federally prescribed test procedures require that the first hour rating of these models be measured. This is the appropriate measure for representing the water heater's ability to provide hot water. A maximum gallons per minute value may not be required for these tank type water heaters.

Section 1606 (f)1(F)

This proposed requirement is confusing. The specific situation that is being addressed is where the actual manufacturer is filing on behalf of another manufacturer who is selling the product under their name and wants to be listed as the manufacturer in the CEC database. In this case the company making the submittal is "Manufacturer A" by virtue of the fact that they are the submitter. Sub-paragraph (iv) is unnecessary. It is already addressed by 1606(a)2(A).

1607 (b)1

The proposed change is confusing. The referenced sections require information about both the manufacturer that actually makes the product and company that sells the product under its name and is listed as the manufacturer in the CEC database. Does this mean both manufacturers' names must be marked? If so, we object to that. If not, we believe it would be clearer to specify that the name, brand or trademark shall be that of the manufacturer as listed in the database.

If there are any questions regarding any of our comments, please call me.

Sincerely,

Frank A. Stanonik

Frank A. Stanonik
Chief Technical Advisor

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