

STATE OF CALIFORNIA  
CALIFORNIA ENERGY COMMISSION  
ENERGY EFFICIENCY COMMITTEE  
HEARING ON PROPOSED AMENDMENTS TO THE  
APPLIANCE EFFICIENCY REGULATIONS

CALIFORNIA ENERGY COMMISSION  
HEARING ROOM A  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, DECEMBER 20, 2006

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KATHRYN S. KENYON, CSR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Jackalyne Pfannenstiel, Committee Chairperson, also represented by Advisor Tim Tutt

Mr. Art Rosenfeld, Committee Member, also represented by Advisor John Wilson

STAFF

Mr. William Staack, Senior Staff Counsel

Mr. Jim Holland, Appliance Program

Ms. Betty Chrisman, Appliance Efficiency Program Manager

ALSO PRESENT

Mr. Karim Amrane, Air-Conditioning and Refrigeration Institute

Mr. Joseph Mattingly, GAMA

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON PFANNENSTIEL: This is the committee  
3 hearing -- an Energy Efficiency Committee hearing to receive  
4 comments on proposed amendments to appliance efficiency  
5 regulations. I'm Commissioner Jackie Pfannenstiel and the  
6 presiding member of the Energy Efficiency Committee of the  
7 Commission.

8 To my left is Commissioner Rosenfeld, who's an  
9 associate member of this committee. To his left is his  
10 advisor, John Wilson. To my right is my advisor, Tim  
11 Tutt.

12 Since we don't have name tags up here, just about  
13 everybody here knows us. I guess we can deal with that.

14 I think to begin, I will turn it over to Bill  
15 Staack, who has some opening comments to put in  
16 perspective how we will be spending the next couple hours.

17 Bill?

18 SENIOR STAFF COUNSEL STAACK: Good morning,  
19 Commissioners. My name is Bill Staack. I am a senior  
20 staff counsel for the California Energy Commission.

21 We are here today to hear comments on the Energy  
22 Commission's proposed amendments to the Appliance  
23 Efficiency regulations.

24 The Notice of Proposed Action for the proposed  
25 amendments was published on December 1st, 2006, which

1 started the beginning of the 45-day comment period. At  
2 the same time, the express terms, or 45-day language, of  
3 the proposed amendments were made available.

4 The full Commission will consider adopting the  
5 proposed amendments on January 17, 2007. If the  
6 commission at that time decides that modifications are  
7 needed, revised proposed amendments will be published and  
8 will be subject to an additional 15-day public comment  
9 period.

10 Before we get into the substance, I think it might  
11 be helpful if I summarize how we got here. And I do  
12 apologize in advance for how much legal mumbo-jumbo there  
13 is, but I will do my best to speak it in English.

14 The proposed amendments that are being considered  
15 today result from litigation filed in November of 2002, by  
16 four appliance manufacturer trade associations, against  
17 the Emergency Commission in Federal Court, asserting that  
18 various aspects of the appliance regulations were  
19 preempted by federal law.

20 In 2003, the U.S. District Court in Sacramento  
21 issued an injunction enjoining the Commission from  
22 enforcing certain portions of the regulations, mainly  
23 relating to the data that the appliance manufacturers  
24 submit to the Commission and information that  
25 manufacturers mark on their products.

1           The Commission appealed, and in 2005 the Ninth  
2 Circuit reversed, the lower court decision and determined  
3 that the challenge regulations are not preempted.

4           Earlier this year, the U.S. Supreme Court declined  
5 to review the Ninth Circuit's decision. All of this legal  
6 maneuvering put the case back in the local district's  
7 court for final resolution and lifting of that injunction.

8           Because the challenge regulations did not go into  
9 effect as scheduled in 2002, and because in the interim  
10 some loose ends had appeared, and because the parties had  
11 spent so much time working on the litigation, both the  
12 trade associations and the Energy Commission recognized  
13 that immediate enforcement of the regulations would not  
14 have been feasible.

15           We worked diligently and cooperatively to make the  
16 transition from litigation to compliance with the  
17 regulations as smooth as possible.

18           In this effort of cooperation, all parties agreed  
19 to a Joint Status Conference Statement for the court,  
20 which listed about 20 items on which everyone agreed, and  
21 which we told the court we would implement in this  
22 rulemaking.

23           There were also a few items -- five, to be  
24 precise -- on which we agreed to disagree, and to seek  
25 resolution in this rulemaking. This Joint Statement was

1 incorporated into the federal court's final order in the  
2 case.

3 The Joint Statement stated that all parties agreed  
4 that the Energy Commission will begin enforcing the  
5 data-submittal regulations as to those units manufactured  
6 on or after March 12th, 2007, and to enforce the marking  
7 regulations as to those units manufactured on or after  
8 September 17th, 2007.

9 In order to allow this to happen, the Joint  
10 Statement also indicated that all parties agreed that the  
11 Energy Commission must adopt, and that the Office of  
12 Administrative Law needs to approve and file, the  
13 amendments by March 12, 2007. That's why we're trying to  
14 move quickly in this proceeding, and why we hope today to  
15 move towards resolution on the five still-disputed items.

16 Staff's proposal on these five items will be  
17 presented shortly.

18 Finally, I want to re-emphasize that the purpose  
19 of the proposed amendments is to implement the Federal  
20 Court's Order, including getting the regulations in place  
21 by March 12th, 2007, so the Commission can begin enforcing  
22 the data-submittal regulations that we and the trade  
23 associations have agreed on.

24 And that would be my statement.

25 CHAIRPERSON PFANNENSTIEL: Thank you, Mr. Staack.

1 I would like now -- I think we should turn to the  
2 staff and hear comments on the five items.

3 Mr. Holland.

4 MR. HOLLAND: Thanks, Bill.

5 CHAIRPERSON PFANNENSTIEL: Make sure that green  
6 light is shining brightly.

7 MR. HOLLAND: Thank you, Bill, and thank you,  
8 Commissioners. Good morning. And good morning, guests.

9 I'm Jim Holland of the Appliance Program, here  
10 with my colleague Betty Chrisman. And we will be  
11 addressing the next segment of this hearing, which is  
12 covering the five items that Bill spoke of.

13 The Joint Statement identified five additional  
14 issues that the Commission would consider along with the  
15 agreed upon changes to the regulations. On these issues,  
16 staff offers the following comments:

17 Regarding Section 1607, High Sales Volume  
18 Combinations; the Commission agreed to consider changing  
19 the provisions related to the marking of commercial split  
20 system central air conditioners based on the highest sales  
21 volume combination of compressor-containing unit and  
22 outdoor coil.

23 The regulations, in Section 1604(c)(3), currently  
24 state that "split system central air conditioners and  
25 compressor-containing units shall be tested with a

1 non-compressor-containing unit most likely to represent  
2 the highest national sales volume for the combined  
3 equipment."

4 In section 1607(d)(2), Table W, there are  
5 requirements for the marking of printed materials  
6 accompanying commercial split system air conditioners and  
7 heat pumps.

8 Section 1606, Table V, also requires the reporting  
9 of data for split system air conditioners and heat pumps.

10 The change suggested by ARI would eliminate the  
11 reporting and marking requirements based on the most  
12 popular sales combination or any other combination. The  
13 Commission staff has considered this issue and recommends  
14 that no change be made to this provision. It has not been  
15 demonstrated that manufacturers are unable to identify the  
16 most popular sales combination for commercial split-system  
17 air conditioners and heat pumps.

18 Item No. 2 is regarding Section 1606, Table V,  
19 Motor Blowers for Commercial Appliances.

20 The regulations in Table V currently require the  
21 reporting of data for the horsepower of blower motors.

22 The Commission agreed to consider the elimination  
23 of the requirement for such reporting for blower motors  
24 for belt-driven air conditioners and heat pumps, with  
25 cooling capacity of equal to or greater than 65,000 BTU

1 per hour.

2           The Commission staff has considered this issue and  
3 recommends that no change be made to this provision since  
4 the data to be reported is needed to show compliance with  
5 some provisions of the building energy efficiency  
6 standards.

7           Item No. 3, regarding Section 1606, Table V,  
8 Blower Motors for Residential Appliances.

9           The regulations in Table V currently require that  
10 the reporting of data for fan motor horsepower, design,  
11 type, and power factor for air-cooled central air  
12 conditioners with cooling capacity less than 65,000 BTU  
13 per hour. The Commission agreed to consider the  
14 elimination of the requirement for such reporting for  
15 air-cooled central air conditioners with a cooling  
16 capacity under 65,000 BTU per hour.

17           The Commission staff has considered this issue and  
18 recommends that no change be made to this provision since  
19 the data to be reported is needed to show compliance with  
20 some provisions of the building energy efficiency  
21 standards.

22           The next segment is 4(a), Section 1606, Table V,  
23 Motor Model Numbers.

24           Section 1606, Table V, currently requires model  
25 numbers to be submitted for all appliances and is part of

1 what is referred to as the unique identifier. The  
2 Commission agreed to consider whether data submittals  
3 should be based on the U.S. Department of Energy Motor  
4 Master Protocols. This would require the Commission to  
5 change the requirements of Table V, to reflect the data  
6 based from motor -- to reflect that the database for  
7 motors does not use the model number as part of the unique  
8 identifier.

9 I will now refer to Betty Chrisman to elaborate on  
10 the motor reporting issue.

11 MS. CHRISMAN: Thank you. My name is Betty  
12 Chrisman. I am program manager of the Energy Commission's  
13 Appliance Efficiency Program.

14 I have read the comments filed by NEMA and want to  
15 express staff's concern in view of the complexity and  
16 constraints of the Energy Commission's Appliance database.

17 The NEMA proposal, related to reporting the model  
18 numbers, if adopted, will have significant adverse costly  
19 and time-consuming impacts on the Energy Commission's  
20 appliance database.

21 Staff is recommending rejection of this portion of  
22 NEMA's proposal, and would be happy to discuss with NEMA  
23 alternative reporting provisions for motor model numbers  
24 including, but not limited to, those I will mention below:

25 NEMA's docketed comments regarding specific data

1 collection items for electric motors proposed to eliminate  
2 reporting of the model number, in a previous e-mail  
3 exchange with staff, earlier this month, docketed  
4 yesterday, NEMA's General Counsel Clark Silcox and I came  
5 to a different understanding.

6 Mr. Silcox and I discussed the difference between  
7 the non-reporting, leaving blank, of the model number  
8 field versus reporting something in this field, but  
9 excluding it from being considered an identifier, as  
10 defined in Section 1602(a) in our regulations. I  
11 explained to Mr. Silcox that, from a database programming  
12 perspective, the latter is much easier than the former.

13 Additionally, I told him that completely removing  
14 the model number for the motor table in the database would  
15 cause significant and adverse database programming issues.

16 After further explaining that allowing motor model  
17 numbers to still be reported, but be excluded from the  
18 unique identifier would be much easier. Mr. Silcox  
19 responded by saying, "I guess I misunderstood what you  
20 were saying. I think my point is that we were indifferent  
21 and would go with whatever caused you the least  
22 difficulty."

23 Until NEMA's recent docket filing, I believe that  
24 we had reached a different understanding, although we had  
25 not yet determined exactly what to do.

1           When the compliance database was recently  
2 re-engineered, ease of maintenance and ease of adding new  
3 appliances were paramount in this redesign. Incorporating  
4 the unique rule that only applies to 1 of the 55 different  
5 data tables in the database is very difficult, costly, and  
6 time consuming.

7           The appliance database is a complete entity unto  
8 itself. Making the change proposed in NEMA's comments  
9 would require changes to be made throughout the entire  
10 database, not just to the motors table. And any future  
11 programming, particularly adding of any new appliances,  
12 would need to factor this unique characteristic into  
13 account.

14           Staff, instead, is proposing an alternative to  
15 NEMA's proposed removal of the model number. It includes  
16 the use of asterisks.

17           Section 1606(a)(1)(C) of our regulations addresses  
18 the use of asterisks in model numbers, allowing them to be  
19 used as wildcards to replace a single character in the  
20 model number. This section also prohibits the use of  
21 asterisks in a model number's first four characters due to  
22 the difficulty of searching for model numbers beginning  
23 with asterisks.

24           Staff would propose to amend this subsection, to  
25 allow for the reporting of motors, where the entire model

1 number, as entered into our database, is simply a series  
2 of asterisks including the first four characters. This  
3 would be strictly for purposes of manufacturers reporting  
4 data to us, and would also entail a change to the  
5 identifier definition in Section 1602(a).

6           Alternatively -- alternately, NEMA states that  
7 each manufacturer would report data for 113 base models.  
8 I presume this number reflects the 113 fields, in Table S,  
9 Standards for Electric Motors, in Section 1605.1, of our  
10 regulations.

11           We could provide a model number designation for  
12 each of these 113 basic models.

13           I have not further discussed these alternatives  
14 with NEMA and am including them here as an example of a  
15 way to address NEMA's concerns and our database  
16 programming restraints.

17           If NEMA and the motor manufacturers wish, we would  
18 discuss with them the option to eliminate this field and  
19 the data that is posted for motors, on the Energy  
20 Commission's Web site, and viewed by the public. This  
21 would lessen confusion of those who use our data, which  
22 was one of NEMA's main concerns.

23           I will now return this to Jim Holland.

24           MR. HOLLAND: Thanks, Betty. And I will continue  
25 on with Item No. 4(b), which regards Section 1606 Table V,

1 Custom Models of Motors.

2 The Commission agreed to consider how, if at all,  
3 data for "one-off" or custom models of motors should be  
4 submitted to the Energy Commission.

5 The Appliance Efficiency Regulations currently  
6 make no special provision for "one-off" or custom models.  
7 The Commission staff has considered this issue and  
8 recommends no changes.

9 Custom models are often manufactured in large  
10 quantities and should be the -- and it should be subject  
11 to the data collection requirements.

12 As a side note, by definition, "one-off" is a  
13 singular -- is singular and is not a model in the  
14 regulations, so that any item that only one unit is made  
15 of would not need to be certified to the Energy Commission  
16 as a "one-off" model.

17 And the last item on our list, No. 5, regards  
18 Section 1606, Table V, for ballasts.

19 The regulations currently require the reporting of  
20 performance for ballasts to use with one to four, T5, T8,  
21 and T12 linear fluorescent lamps. The changes suggested  
22 by NEMA include limiting these reporting provisions to  
23 only ballasts used with one or two T12 lamps.

24 One issue brought up by NEMA is that Section  
25 1604(j) states that the test method for fluorescent lamps

1 is 10 CFR Section 430.23(q)2005, which references ANSI  
2 C82.2, which may apply only to one and two T12 lamps per  
3 magnetic ballasts. Three and four lamps per ballasts will  
4 operate only with electronic ballasts.

5 Other issues brought up by NEMA include that some  
6 of our reporting methods allow for only one entry for some  
7 features, while some ballasts have a range of answers  
8 which, according to NEMA, might require as many as 22  
9 variations on some ballasts. NEMA recommends allowing  
10 either the highest or lowest entry in some fields as  
11 respectively appropriate.

12 The Commission staff recommends talking with NEMA  
13 and coming up with some kind of common ground to address  
14 the change required for ballast reporting.

15 As of this point, written comments have been  
16 received and docketed from ARI, GAMA, and NEMA on the  
17 45-day language that has been submitted on December 1st.

18 And with that, I hand it back to the Committee.

19 CHAIRPERSON PFANNENSTIEL: Thank you, Mr. Holland.

20 And who is here who would like to address the  
21 Commission, on the other side?

22 Yes, please come forward and identify yourself.

23 MR. MATTINGLY: Good morning. My name is --

24 CHAIRPERSON PFANNENSTIEL: Check and see if the  
25 green light is on, in the front.

1 MR. MATTINGLY: I'm a lawyer, not an engineer.

2 Good morning. My name is Joe Mattingly with GAMA.  
3 We represent -- we don't want to consider ourselves the  
4 other side; we're actually the trade association that  
5 represents the people that heat your home and give you hot  
6 water each morning. We represent furnaces, boilers, water  
7 heaters, and room heaters and a few other products.

8 I would like to also state that since the  
9 litigation ended, we've had a very cordial and  
10 constructive working relationship with -- with Betty and  
11 the rest of the staff here, in definitely going from a  
12 litigation mode into a compliance mode. And we're doing  
13 all we can to facility reporting by many, many  
14 manufacturers of many product types, to get things going  
15 by March the 12th.

16 And we have a certification services function at  
17 GAMA. And we've encouraged them. And I think they have  
18 been in regular contact, now, with Betty and staff, to  
19 probably do a couple of trial runs before March 12th, to  
20 make sure we're all ready to go by March the 12th.

21 Leading up to the end of the litigation, to  
22 the September court order, we had discussions with CEC  
23 staff on getting loose ends tied up. And that, again, was  
24 very constructive, very productive, and I'm happy to see  
25 that the proposal, here, is to make certain items that

1 were mandatory, voluntary, in accordance with that  
2 agreement. So we're fully in support of that.

3 But Mr. Staack referred to a 2003 Commission  
4 decision to make certain items, back then that were  
5 mandatory, voluntary. And so when we had our discussions  
6 with staff earlier this year, leading up to the end of the  
7 litigation, we had assumed that those items that the  
8 Commission made voluntary, back there in 2003, would  
9 remain voluntary.

10 So when we were asked by CEC staff, now, is there  
11 anything else we need to discuss before we finalize this,  
12 we assumed, well, that's going to be voluntary. So it  
13 would remain voluntary, those items. So we didn't bring  
14 it up. And frankly, we were really taken by surprise,  
15 now, by a proposal to make those things that we thought we  
16 thought were forever to remain voluntary, to make them  
17 mandatory. And so there are a few items that we've put in  
18 our comments, along those lines.

19 One of the principles in that Commission listed or  
20 stated during the litigation was that they believe that  
21 these items were not preempted because they would not  
22 require manufacturers to do additional testing that they  
23 wouldn't do, anyway, in complying with federal  
24 requirements, whether or not that information was the  
25 final energy description for the product. Nevertheless,

1 in the testing, you would come up with this data. And we  
2 understand that.

3 But some of the items here that would be -- now  
4 made mandatory would not be consistent with that  
5 principle.

6 I've enumerated them here: In the case of  
7 furnaces, fan motor power factor is an item that -- that  
8 isn't part of the deal for test procedures for furnaces.  
9 And it's not readily available to furnace manufacturers.  
10 It's not on the name plate, and there's not even any  
11 standard test procedure that we know of, for calculating  
12 this information.

13 And that would require a lot of additional testing  
14 by manufacturers, where they don't have to do it to comply  
15 with the federal requirements.

16 On boilers, there's a couple items: The one here,  
17 there's pump motor power factor, which is sort of similar  
18 to what I was saying for fan motor power factor for  
19 furnaces. And then there's output and input at minimum  
20 capacity for boilers. First of all, we're not sure  
21 whether or not that's meant to apply to both commercial  
22 and residential, but I'm sure you will tell us. But in  
23 any event, that would require additional testing. Again,  
24 that's not done. They only test for output at maximum  
25 capacity to get to the efficiency number.

1           So without going into a lot -- it's all in the  
2 writing. But it's, again, additional testing that they  
3 wouldn't normally perform.

4           In the case of very large boilers, above inputs  
5 greater than two and a half million BTUs per hour, the  
6 Commission, in the proposal, here, calls for thermal  
7 efficiency. But the efficiency descriptor for that  
8 product is not thermal efficiency; it's combustion  
9 efficiency. And even in the proposed ASHRAE 9.1  
10 amendments, combustion efficiency will continue to be the  
11 energy descriptor for that product. Thus, producing  
12 information on thermal efficiency would again be  
13 additional testing that the manufacturers would not  
14 normally perform.

15           Finally, for fan-type room heaters, the proposal  
16 is to make mandatory reporting of average annual  
17 auxilliary electrical energy consumption of these  
18 products. There is a calculation in the federal test  
19 procedure for that product, that allows you to do that,  
20 but because it's not a requirement by federal law to do  
21 that testing, they don't do it; manufacturers don't do  
22 that test. Again, that would require additional testing.

23           In any event, based on those comments, we would  
24 hope that the Commission would decide to continue to keep  
25 the reporting of these items voluntary.

1           If, for some reason, on any of these -- some of  
2 these items we didn't object to. But if you've got  
3 additional items that were not discussed and incorporated  
4 in the court order, I think it's -- we probably all  
5 believe that March 12th isn't going to be the date,  
6 necessarily the reporting deadline for reporting these  
7 additional items. But in any event, for the items we  
8 discussed, we would ask the Commission to continue to make  
9 this voluntary.

10           Thank you very much.

11           CHAIRPERSON PFANNENSTIEL: Thank you. Other  
12 comments?

13           MR. AMRANE: Good morning. My name is Karim  
14 Amrane, and I represent Air-Conditioning and Refrigeration  
15 Institute, ARI.

16           I'd like to recall some of the concerns that were  
17 raised by Mr. Mattingly, regarding the voluntary fields.  
18 We understand this is a voluntary field, but we need the  
19 information, to start with. So now we don't understand  
20 why the Commission is trying to re-instate those fields  
21 that are a part of the litigation.

22           Having said that, we are working very hard to meet  
23 the March 12th deadline. And I think we are doing a great  
24 service to the Commission as well, because we will be  
25 collecting the information from the entire industry and

1 submitting it to you, so you don't have to redo what we  
2 are doing. It's costing us a lot of money and a lot of  
3 time to do it. And now, we understand that additional  
4 fields will have to be -- to be added. It's going to  
5 increase the cost to us and, of course, we probably need  
6 more time to do it as well. So I would echo what Joe has  
7 just said.

8           Having said that, I have -- I would provide some  
9 comments, and I hope that you have those comments with  
10 you. We've raised some issues with the test procedures.  
11 And I'm not going to go over that. I hope that's clear  
12 enough. And we understand there's some mistakes being  
13 made here, and hopefully you guys caught those mistakes  
14 and will correct that.

15           Regarding those large -- those large air  
16 conditioners or equipment above 65,000 BTUs and the issue  
17 with the fan blower, which we felt, back in July, when we  
18 met with the Commission, we felt that we explained the  
19 situation and we were hoping the Commission, by now, would  
20 come back with an answer as to, no, we disagree with you,  
21 or, yes, there's a concern, here. Let's address it.

22           But just to say that we need the information  
23 because we need the information, we explain to you that  
24 those -- those units are shipped sometime with different  
25 motors. And we don't know; the manufacturers don't know

1 which motor will be shipped with until the job is  
2 specified.

3           So now we are asking the manufacturers to  
4 reporting something that they don't know, beforehand, what  
5 that information should be.

6           So we've asked that the Commission consider,  
7 please, voluntary for that reason.

8           Regarding the fan -- the fan motor for residential  
9 air conditioners, again, we are asking manufacturers to  
10 provide power factor. But that's not the job of every  
11 manufacturer to test motors. It's not part of their job;  
12 it's part of the motor manufacturer.

13           Now, we are asking manufacturers to report that  
14 the information that's not even available to them. So we  
15 are asking that this will be put voluntary for that  
16 reason, because it's not available.

17           Again, we are asking horsepower. There's not even  
18 a test procedure today that exists to test those  
19 fractional horsepower motors. So how come -- how come we  
20 ask manufacturers to provide this information when there's  
21 no test procedures for it. It's not even called in the  
22 federal test procedures for HVAC equipment.

23           So again, we've raised those issues back in July,  
24 and we were hoping that by now, the Commission has studied  
25 the issue and come back with something. But I guess six

1 months later, we're finding out that nothing was done  
2 here, and we've raised those issues back in July, as I  
3 said.

4 Final comment on water source heat pump; and this  
5 is the requirement of temperature of 75 degrees  
6 Fahrenheit. Again, that's not part of the federal test  
7 procedures. The federal test procedure is not 75 degrees  
8 Fahrenheit. So we ask that this will be left voluntary,  
9 if someone wants to provide it. But again, it's not part  
10 of the federal test procedures.

11 That's -- that concludes my comments.

12 CHAIRPERSON PFANNENSTIEL: Thank you, sir.

13 Any other comments to be received here?

14 If not, Mr. Staack, do you have any final  
15 observations?

16 SENIOR STAFF COUNSEL STAACK: No, I do not.

17 CHAIRPERSON PFANNENSTIEL: Commissioner Rosenfeld  
18 and I will, then, will take the comments that we've heard  
19 from the staff and other parties, here, today, and the  
20 comments received in our docket office, under  
21 consideration. And the -- I understand that there will be  
22 some staff discussions between now and the time that we  
23 would need to issue any revisions, if there would be any.

24 So with that, I see no other business before us.

25 Mr. Staack, is that true?

1 SENIOR STAFF COUNSEL STAACK: Yes, that's true.

2 CHAIRPERSON PFANNENSTIEL: All right. We'll be  
3 adjourned. Thank you.

4 (The California Energy Commission public  
5 hearing adjourned at 10:34 a.m.)

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## 1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand Reporter  
3 of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the  
5 foregoing California Energy Commission's Efficiency  
6 Committee Public Hearing was reported in shorthand by me,  
7 Kathryn S. Kenyon, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand this  
14 27th day of December, 2006.

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