

**COMMENTS OF THE RHODE ISLAND PUBLIC INTEREST GROUP
APPLIANCE STANDARDS AWARENESS PROJECT,
AND NORTHEAST ENERGY EFFICIENCY PARTNERSHIPS
May 3, 2007**

**Rhode Island Public Utilities Commission
RULES AND REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS FOR
CERTAIN NEW PRODUCTS SOLD IN THE STATE OF RHODE ISLAND
Docket NO. 3827**

The Rhode Island Public Interest Research Group (RIPIRG), Appliance Standards Awareness Project (ASAP) and the Northeast Energy Efficiency Partnerships (NEEP) offer these comments in response to the Rhode Island Public Utilities Commission proposed Rules and Regulation for Certain New Products Sold in the State of Rhode Island. As strong supporters of the recent legislation that instituted appliance efficiency standards in Rhode Island, we are very pleased that the Public Utilities Commission (PUC) has moved expeditiously to implement the legislation.

We strongly support the proposed rules and regulations and fully support the general approach taken by the PUC with these regulations. However, there are two points in the regulations that should be amended prior to promulgating the regulation.

1. The PUC should make minor editorial corrections to the proposed text in the chart describing furnace and boiler standards at Part V, Section (12) of the regulations.
2. The paragraph in subsection at 39-27-5 (b) (3) (iii) was placed in a section of the regulations (Part IV, Section (b) instead of Part V, Section (12) (ii)) that changed the intended purpose of the paragraph. The paragraph should be moved to the correct subsection.

1. Minor editorial corrections should be made to the proposed text in the chart describing furnace and boiler standards at (V) (12) of the regulations.

The standard for oil furnaces included in the statute contains a typographical error. The second reference for oil-fired furnaces has a greater-than (>) sign and it should be a less-than (<) sign. Even though this error is contained in the statute itself, the legislative intent is for a less than sign. The two other states (Massachusetts and Rhode Island) that have included an oil-furnace standard have a less-than sign in their regulation and the legislature intended to follow the lead of these two states.

We believe the PUC can correct this mistake without having to go through the legislature because it causes an obviously absurd result i.e. the same appliance has two different standards and the solution is also self-evident. The new standard should read:

(12) Residential furnaces and residential boilers shall comply with the following Annual Fuel Utilization Efficiency (AFUE) and electricity ratio values.

Product Type	Minimum AFUE	Maximum electricity ratio
Natural gas and propane-fired furnaces	90%	2.0%
Oil-fired furnaces >94,000 Btu/hour in capacity	83%	2.0%
Oil-fired furnaces >94,000		

RECEIVED
2007 MAY -3 PM 1:06
RHODE ISLAND PUBLIC UTILITIES COMMISSION

Oil fired furnaces < 94,000		
Btu/hour in capacity	83%	2.3%
Natural gas and oil, and propane-fired hot water residential boilers	84%	Not applicable
Natural gas, oil, and propane-fired steam residential boilers	82%	Not applicable

The incorrect line has a strike-out and the correct line is in bold.

2. The statute subsection at 39-27-5 (b) (3) (iii) was placed in a section of the regulations that changed the intended purpose of the paragraph.

Section 39-27-5 (b) (3) (iii) of the statute reads as follows:

The provisions of this subsection 39-27-5(b) shall be effective upon determination by the chief of energy and community services that the same or substantial corresponding standards have been enacted in two (2) New England states.

The purpose of this paragraph was to set up a “trigger” for residential furnaces and boilers. The residential furnace and boiler standard would not go into effect until 2 New England states (this includes Rhode Island) adopt the “same or substantial corresponding standards”. Although the language is a little vague, the word “subsection” in this paragraph refers to the residential furnace and boiler standard. The intent is made clear by its location in the statute as it is a subsection of the residential furnace.

The regulations, however, place this paragraph at Part IV, Section b. By placing this sentence there, the regulations indicate that all of the standards should be subject to the “trigger” provision. This goes against the legislative intent of the statute. Instead, this section of the statute should be placed at Part (V) Section (12) (ii) of the regulations. In addition, to help clarify the regulation, the language should read:

The provisions of this subsection 39-27-5(b) (3) shall be effective upon determination by the chief of energy and community services that the same or substantial corresponding standards have been enacted in two (2) New England states. (Amendment in Bold)

Thank you for your consideration to these issues.

Isaac Elnecave
 Northeast Energy Efficiency Partnerships
 5 Militia Dr.
 Lexington, MA 02421