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Department of Public Service
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December 14, 2017

Legislative Committee on Administrative Rules
Senator Mark A. MacDonald, Chair
c/o Legislative Council
115 State Street Drawer 33
Montpelier, VT 05633-5301

Re: Proposed Rule 17P-028 Department of Public Service - Appliance Efficiency Rule

Dear Senator MacDonald:

On behalf of the Department of Public Service, as part of the promulgation of the Proposed Rule 17P- 028 pertaining to Appliance Efficiency Standards, I provide, in electronic form, the Final Proposed Rule along with the applicable rulemaking forms and required documents. In this letter I also provide information on the revisions made since the initial proposed rule was filed on July 28, 2017. Finally, I include the details of the Public Hearing held by the Department concerning the proposed rule, and confirm that the Department received no public comments on this rule during the comment period.

Revisions to the Proposed Rule

In the Final Proposed Rule, the Department has drafted a preamble which lists the events defined in Act 42 that will trigger operation of this rule. The Department also added a list of definitions of a category of lighting appliance known as “General Service Lamps”, along with a minimum efficacy standard for all general service lamps. The inclusion of these definitions and the efficacy standard, which will not take become effective until January 1, 2020, are specific requirements of Act 42. Due to a scrivener’s error, these definitions and the efficacy standard were not included in the initial proposed rule filing

Public Hearing

A public hearing on this rule was held at 10am on September 20, 2017 in Room 10 of the Vermont Statehouse at 115 State Street in Montpelier, Vermont. Two individuals attended the hearing. One individual had questions about portions of 9 V.S.A §2792 (the statute that was amended to authorize the promulgation of the Appliance Efficiency Standards rule) that did not pertain to the rule. Representatives from the Department explained the portion of the statute was unrelated to the rule that was the



subject of the hearing, and provided a summary of the rule. The other individual in attendance at the public hearing was very well informed about Act 42 and was present to monitor the progress of the rule.

Public Comment

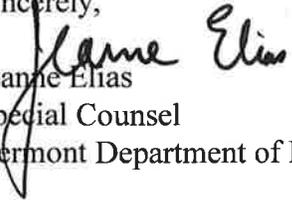
The comment period for this rule concluded on September 29, 2017. No public comments were received.

Effective Date of New GSL definitions

The Department in preparing this rule, noticed a discrepancy with respect to the effective date of the new General Service Lamp definitions and the associated 45 lumens per watt Minimum Efficacy Standard. The Federal Register lists the effective date of these provisions as 1/1/2020 while Act 42 directs this date to be 1/20/2020. Analyzing this discrepancy in light of the clear legislative intent of the Vermont General Assembly to precisely mirror existing and proposed federal standards, the Department has drafted the rule so that the effective date of the new definitions for General Service Lamps and the associated Minimum Efficacy Standard matches the Federal effective date of 1/1/2020.

The Department respectfully requests that this matter be placed on the agenda for the next meeting of the Committee. Thank you.

Sincerely,


Jeanne Elias
Special Counsel
Vermont Department of Public Service

cc: Office of the Vermont Secretary of State