



**VIA OVERNIGHT COMMERCIAL DELIVERY &
EMAIL TO:** expartecommunications@hq.doe.gov

EX PARTE

Daniel Cohen
Assistant General Counsel for Legislation, Regulation and Energy Efficiency
U.S. Department of Energy
Office of the General Counsel
1000 Independence Avenue, S.W.
Washington, D.C. 20585

September 3, 2020

**Re: Energy Conservation Program: Energy Conservation Standards for Residential Furnaces
and Commercial Water Heaters
Docket Number EERE-2018-BT-STD-0018**

**Energy Conservation Program: Energy Conservation Standards for Residential Furnaces
Docket Number EERE-2014-BT-STD-031; RIN No. 1904-AD20**

**Energy Conservation Program: Energy Conservation Standards for Commercial Water
Heaters
Docket Number EERE-2014-BT-STD-042; RIN No. 1904-AD34**

Dear Mr. Cohen,

On September 3, 2020, Karen Harbert, Lori Traweek, Richard Meyer and I of the American Gas Association (“AGA”), met via telephone with Daniel R. Simmons, Assistant Secretary for the Office of Energy Efficiency and Renewable Energy, Alex Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency in the Office of Energy Efficiency and Renewable Energy and yourself.

We discussed AGA’s pending Petition for Rulemaking filed in Docket EERE-2018-BT-STD-0018 filed on October 18, 2018, to which DOE proposed and published in the Federal Register a response on July 11, 2019.¹ In particular, we requested DOE: (1) issue final interpretive rules confirming that energy conservation standards effectively limit the market for natural gas and/or propane gas furnaces or water heaters to products using condensing combustion technology would result in the unavailability of “performance characteristics” within the meaning of the Energy Policy and Conservation Act of 1975; and (2) apply the final interpretive rule in Dockets EERE-2014-BT-STD-031; RIN No. 1904-AD20 and EERE-2014-BT-STD-042; RIN No. 1904-AD34.

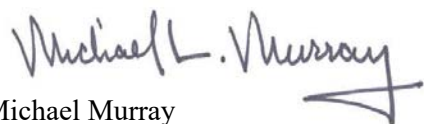
Please post this notice on the Department’s *ex parte* web page and forward to the docket managers for inclusion in the dockets in the above noted proceedings.

¹ *Granting in part and denying in part a petition for rulemaking; notice of proposed interpretive rules; request for comment*, Docket No. EERE-2018, 84 Fed. Reg. 33011 (July 11, 2019),

Michael L. Murray *General Counsel*

If you require any additional information, please contact the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Murray". The signature is written in a cursive style with a large, stylized initial "M".

Michael Murray
General Counsel
American Gas Association

Michael L. Murray *General Counsel*

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