

## **Draft Outline of COMMENTS FOR CONSUMER (Residential) Gas Boilers\*\***

- I. Identity and Interest**
- II. Procedural History**
- III. Overview of the NOPR**
- IV. Comments**
  - A. Gas-Fired Water Boilers**
    - i. The Proposed Standard of 95% AFUE for Gas Fired Water Boilers Are Not Economically Justified**
    - ii. DOE's "Random Assignment" Methodology is Unreasonable**
      - a. The Mechanics of Random Assignment
      - b. Random Assignment Simulates Extreme and Unreasonable Purchasing Behavior.
        - 1. *Economic Considerations Do Influence Purchasing Behavior*
        - 2. *Random Assignment Assumes that Economic Considerations Never Matter*
      - c. Random Assignment Unreasonably Skews the Results of DOE's Analysis.
      - d. DOE's Failure to Address the Errors Created by Random Assignment is Unreasonable.
      - e. Alternatives to Random Assignment
        - 1. *Accounting for "Green" Purchasers*
        - 2. *"Split Incentives"/Extreme Sensitivity to Initial Costs*
        - 3. *Informational Market Failures*
        - 4. *Imperfect Economic Decision-Making*
          - a. Cases in Which No "Investment" in Efficiency is Required
          - b. Investments with Very Obvious Economic Outcomes
          - c. Investments with Less Obvious Economic Outcomes
          - d. The Remaining Cases
    - iii. DOE Incorrectly Modeled Home Gas Water Boiler and Energy Usage Based on Household Characteristics**
  - B. DOE Inappropriately Relies on Outdated Data in Its Analysis**
  - C. The "Unavailability" Provisions of the Statute Preclude the Adoption of the Proposed Standard for Gas Water Boilers.**
  - D. DOE Fails to Appropriately Consider Manufacturer Burden in Its Analysis**
  - E. DOE Fails to Appropriately Consider the Impacts of Fuel Switching in Its Analysis**
  - F. DOE Ignores Establishing Separate Product Classes for Non-Condensing and Condensing Storage for Gas Boiler Models that would address the legislative requirement to retain covered product availability in DOE appliance efficiency rulemakings,**
  - G. DOE's Uses Flawed Energy Prices in Its Analysis**
  - H. DOE Must Address the Errors Found in the Model**
  - I. DOE Failed to Provide Adequate Opportunity to Comment**
  - J. Executive Orders 12866 and 13563**
  - K. Regulatory Flexibility Act**
- V. Conclusion**