



Department of Energy
Washington, DC 20585

August 25, 2006

Mr. Hampton Newsome
Attorney, Division of Enforcement
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Ave., NW
Washington, DC 20580

Dear Mr. Newsome:

The purpose of this letter is to ask for comment from the Federal Trade Commission (FTC) on a practice many appliance manufacturers are taking concerning the revision of model numbers. Due to the upcoming change in 2007 for the ENERGY STAR criteria for clothes washers and dishwashers, most manufacturers are modifying their existing models so they meet the new criteria. Many manufacturers are doing this without changing the model number, leaving no way for the consumer, rebate provider, or the ENERGY STAR program to determine if a model is ENERGY STAR qualified or not. For models with multiple versions, the only way to identify if a product is qualified is to look at the actual EnergyGuide and compare the annual energy consumption shown on the guide. However, some models produced prior to January 1, 2007 will also have the ENERGY STAR logo on the EnergyGuide label or elsewhere on the product due to the model meeting the old criteria. In addition, since most models are purchased by consumers based on floor models and then delivered and installed by the retailer, there is often no way of determining if the purchased model is the same as the floor model.

The understanding of the U.S. Department of Energy (DOE) is that the FTC's Appliance Labeling Rule requires manufacturers to provide energy consumption information that is clear to the consumer. The EnergyGuide label must show the actual energy consumption and if an engineering change is made to a model altering the energy consumption, the model number must also change.

DOE and our ENERGY STAR retail and utility partners have an interest in providing complete and accurate efficiency information to consumers. Currently, this is not possible since the same model number is used to label both qualified and non-qualified products.

We request a review by the FTC and whether the FTC can require manufacturers to change model numbers to coincide with new or modified units. If you have any questions, please contact me at Richard.Karney@ee.doe.gov or call me at 202-586-9449.

Sincerely,

Richard H. Karney, P.E.
ENERGY STAR Products Manager
U.S. Department of Energy