



March 25, 2009

Richard Karney  
ENERGY STAR Program Manager  
U.S. Department of Energy  
1000 Independence Avenue SW EE2J  
Washington, DC 20585

Dear Rich:

On behalf of the Consortium for Energy Efficiency (CEE), I am submitting the following comments on the ENERGY STAR® Windows, Doors and Skylights Revised Draft Criteria and Report published by the Department of Energy on March 11. Thank you for the chance to provide input on this document. The organizations listed at the end of this letter have chosen to indicate their individual support for these comments.

### **Comment Period**

CEE appreciates that some key factors—including adoption of the 2009 International Energy Conservation Code and enactment of the American Recovery and Reinvestment Act of 2009—have prompted a sense of urgency on the part of DOE to finalize the ENERGY STAR windows criteria and establish an effective date of January 1, 2010. The two-week comment period that has been provided to stakeholders as a result of this urgency is extremely short. In the future, a four-week comment period would be more appropriate for allowing for a more careful analysis of the proposal.

As a result of the short comment period and given the deliberative nature of the CEE process, the CEE Whole House Committee has been unable to delve into the revised draft criteria in a level of detail that it otherwise might with a longer comment period. These comments are therefore largely made in reference to how the revised draft criteria respond to the issues raised for consideration in our November 14, 2008 comments.

### **Savings Relative to Code**

CEE applauds DOE's efforts to set the criteria at a level that will deliver savings above the 2009 IECC and thereby increase the likelihood that energy efficiency programs will be able to justify incentive programs for windows. Table 3 of the revised draft indicates that the proposed criteria are for the most part set at levels more stringent than those in the final 2009 IECC. Although this code is not likely to be adopted in every jurisdiction it is an influential reference point, particularly as the revised draft notes that the ARRA requires states to adopt and enforce this code to receive additional state energy grants.

Given the dynamic nature of the building code process, CEE encourages DOE to continue to monitor developments across the country and to consider changes to the criteria at such a time as they may be necessary to ensure savings over code and maintain the relevance of the ENERGY STAR brand.

## **Differentiation of Superior Products**

As important as savings over code is to efficiency programs, it is not the only factor in evaluating program feasibility, nor is it the only driver for setting ENERGY STAR performance levels. Recognizing that a range of energy performance exists above the minimum prescribed by standards or codes in most product categories (and certainly in the windows category), CEE believes that the ENERGY STAR label should be used to differentiate the most efficient. Products bearing the ENERGY STAR label should offer significant energy savings when compared to code-compliant, lower-performing products.

In the first draft of the windows criteria, DOE stated that a significant reason for the criteria revision is the high market penetration rate of ENERGY STAR windows (as much as 90 percent) in many areas of the country. In CEE's prior comments we noted that the proposed criteria revision would still result in a market penetration of approximately 52 percent at Tier 1 and listed several reasons why a high market penetration of ENERGY STAR labeled products can be problematic:

- It can diminish the effectiveness of ENERGY STAR as a differentiator of superior energy efficiency performance;
- It may limit CEE members' ability to leverage the ENERGY STAR brand in programs, which is a key value proposition of the Program; and
- It may lessen the incentive for manufacturers to continue technical innovation if they already have a large percentage of qualifying products.

Noting our understanding that the differences in the markets for various ENERGY STAR products must allow for flexibility in approaches to market penetration, CEE asked DOE to articulate its rationale for the estimated 52 percent market penetration rate at Tier 1, rather than a lower rate closer or equal to the traditional target of 25 percent. The March 11 revised draft does not indicate what estimated market penetration of windows under the revised criteria would be. CEE asks that stakeholders be provided with this information. In addition to providing an understanding of potential implications for the ENERGY STAR brand, the market penetration information is important for assessing whether the proposed criteria will support windows program activity by efficiency program administrators, particularly given their concerns about free ridership.

## **Criteria Approaches**

In reducing the number of climate zones and significantly revising the minimum aggregate annual energy performance approach in the Northern climate zone, the revised draft responds to stakeholder expressions of concern regarding the complexity of the original scheme. CEE has not been able to fully assess the potential effect of these revisions. We ask that DOE elaborate more fully on how the proposed revised approach will play out practically in the marketplace and on the implications of the proposed approach on energy savings.

## Peak Load

In CEE's prior comments we asked that DOE provide its analysis and rationale on peak load for the proposed criteria, including any quantifiable effects on peak load that have been evaluated. While the revised draft states "the net impact will likely be somewhat lower net aggregate summer peak load," the document does not provide the analysis for this conclusion and thus it is difficult for utilities to assess the impacts of the revised criteria on their peak loads. We ask again for this analysis.

## Future Performance Levels

CEE is pleased to note the change in schedule for setting criteria for Phase 2. CEE has observed ENERGY STAR's practice in several recent specification development processes of setting increases to its specifications that take effect several years in the future. As stated in prior comments, CEE recognizes that specifying future ENERGY STAR requirements provides manufacturers with long lead times, reduces the number of specification revision processes, and ensures ENERGY STAR continues to ramp up its performance requirements over time. However, linking these performance levels to a specified future date requires accurate prediction of future technical advances and market conditions. Given the difficulty of this task, any predications ENERGY STAR may make have a strong likelihood of being inaccurate.


In the event that scheduled increases in performance requirements fail to reflect future market conditions including product availability, market penetration and cost effectiveness, the primary tenets of the ENERGY STAR brand will not be served, and CEE's members may choose not to promote ENERGY STAR-labeled products. To avoid leaving savings on the table and maintain relevance in the market, ideally ENERGY STAR would continue to evaluate all specifications frequently and make revisions as dictated by market changes.

## Installation

Although not addressed in the draft specification, CEE understands that window performance can be significantly affected by the quality of installation. The issue of window quality installation is an important one that the CEE Whole House Committee plans to discuss further in the near future. We look forward to engaging with DOE and other stakeholders in a larger discussion on how best to improve installation practices and ensure that the energy savings associated with ENERGY STAR qualified windows are fully realized by consumers.

Thank you again for the opportunity to comment. If you have questions regarding these comments, please contact Margie Lynch, CEE Program Manager, at [MLynch@cee1.org](mailto:MLynch@cee1.org) or 617-337-9277. We look forward to continuing to work with you.

Best regards,



Marc Hoffman  
Executive Director

**Supporting Organizations**

Midwest Energy Efficiency Alliance  
National Grid  
Northeast Energy Efficiency Partnerships  
PacifiCorp  
Progress Energy Florida  
Questar Gas Company  
Sacramento Municipal Utility District  
Xcel Energy