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NATIONAL  
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Advancing Fairness  
in the Marketplace for All

July 2, 2010

Ms. Brenda Edwards  
United States Department of Energy  
Building Technologies Program  
Mailstop EE-2J  
Room 1J-018  
1000 Independence Avenue, SW  
Washington, D.C. 20585-0121

Re: Docket No. EERE-BT-PET -0024  
Petition of the Commonwealth of Massachusetts for Exemption  
from Federal Preemption of the Commonwealth's  
Energy Efficiency Standard for Non-Weatherized Gas Furnaces.

Dear Ms. Edwards:

On or about October 2, 2009, the Commonwealth of Massachusetts ("Commonwealth") filed with the Department of Energy ("Department") a "Petition to Exempt from Federal Preemption Massachusetts' 90% Annual Fuel Utilization Efficiency Standard for Non-Weatherized Gas Furnaces." ("Petition"). On January 28, 2010, DOE published an announcement that it had formally received the Commonwealth's Petition and invited any interested party to submit comments on the Petition no later than March 29, 2010. 75 Fed. Reg. 4548. Approximately one dozen comments were filed, including, *inter alia*, by the American Gas Association ("AGA").

On June 7, 2010, the Department published a notice that it would accept rebuttal statements from the Commonwealth through July 7, 2010. 75 Fed. Reg. 32177.

The National Consumer Law Center ("NCLC") has been actively involved in advocacy to support higher furnace efficiency standards for the past several years, and collaborated closely with the Commonwealth of Massachusetts in drafting the Petition in this docket.<sup>1</sup> NCLC represented two non-profit intervenors in *State of New York v. U.S. Department of Energy*, Docket Nos. 08-311-ag (L), 08-312-ag (CON) (petition for review filed Jan. 17, 2008), which resulted in a voluntary remand of the efficiency standards for furnaces and boilers back to the Department on April 21, 2009, and also participated actively in the earlier Department proceedings

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<sup>1</sup> A Commonwealth press release announcing the filing of the Petition stated: "[Department of Energy Resources Commissioner] Giudice and Attorney General Coakley noted that the waiver filing resulted from a collaborative effort between their departments and the National Consumer Law Center (NCLC). State officials acknowledged, in particular, the efforts of NCLC attorney Charlie Harak . . ." Press Release, "Commonwealth Petitions US Department of Energy to Permit Massachusetts to Boost Residential Gas Furnace Efficiency" (Oct. 2, 2009).

that resulted in the promulgation of furnace standards on November 19, 2007 (72 Fed. Reg. 65136). Most recently, on April 27, 2010, NCLC filed comments in the currently-open furnace docket, RIN 1904-AC06.

NCLC wishes to file brief comments in rebuttal to those filed by AGA.

In its comments, AGA urges the Department to “decline to grant the Massachusetts petition,” noting that it is “is a national trade association whose membership includes 195 local energy companies that deliver clean natural gas throughout the United States.” NCLC worked closely with the Commonwealth on the preparation of its rebuttal comments dated June 25, 2009, which includes a lengthy rebuttal of AGA’s substantive points, and NCLC will not here add further rebuttal to AGA’s substantive points. NCLC fully supports and agrees with the substance of the Commonwealth’s rebuttal.

Rather, NCLC wishes to convey to the Department important information about the position of Massachusetts gas companies in response to the Commonwealth’s Petition – information which was still being developed as the Commonwealth was preparing its rebuttal and which only became finalized in the past 24 hours. While NCLC does not question that AGA has 195 local energy companies among its members, the Department should be aware that the six major gas distribution companies in Massachusetts<sup>2</sup> have all taken a formal position in support of the Petition, and, thus, in direct contrast to AGA’s position. Since these companies are operating companies that serve actual households in Massachusetts, NCLC suggests that their support should be given great weight by the Department, and that the position of AGA, a trade association whose position is out of synch with operating companies in the Commonwealth, should be given little, if any, weight.

To demonstrate the strong support that the Commonwealth’s gas distribution companies have offered to the Commonwealth’s Petition, NCLC attaches to these rebuttal comments the following:

#1. March 16, 2010 letter of Stephen Bryant, President, Bay State Gas, to the Department in EERE-BT-PET-0024, noting the company’s support of the Commonwealth’s Petition.<sup>3</sup>

#2. June 4, 2010 letter of Penni McLean-Conner, Vice-President, Customer Care and Energy Efficiency, NSTAR, to the Department in EERE-BT-PET-0024, noting the company’s support of the Commonwealth’s Petition.

#3. June 24, 2010 letter of Karen Zink, President, Berkshire Gas, to the Department in EERE-BT-PET-0024, noting the company’s support of the Commonwealth’s Petition.

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<sup>2</sup> The seventh gas distribution company in Massachusetts, Blackstone Gas Company, is very small, serving only 1,350 residential customers. NCLC does not know if Blackstone Gas has taken any position on the Petition.

<sup>3</sup> This letter was submitted during the initial comment period and posted on the Department’s web site at [http://www1.eere.energy.gov/buildings/appliance\\_standards/pdfs/ma\\_petition\\_comments/ma\\_statepetdoc\\_13002.pdf](http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/ma_petition_comments/ma_statepetdoc_13002.pdf).

#4. June 15, 2010 letter of George Gantz, Senior Vice President, Distributed Energy Resources, Unital<sup>4</sup>, to the Department in EERE-BT-PET-0024, noting the company's support of the Commonwealth's Petition.

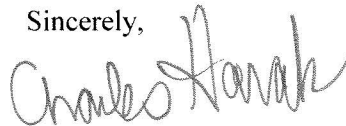
#5. July 1, 2010 letter of David Black, Chief Operating Officer, New England Gas Company, to the Department in EERE-BT-PET-0024, noting the company's support of the Commonwealth's position.

6. Transcript of June 28, 2010 hearing in the pending National Grid rate case, Mass. Dep't of Public Utilities docket 10-55, in which Nickolas Stavropoulos, Executive Vice President, U.S. Gas Distribution for National Grid USA stated, "we've come to the conclusion that we're going to support the standard" and "we're in support." [Relevant transcript pages attached].

As already noted, NCLC fully supports the Commonwealth's previously filed rebuttal comments and will not make any additional substantive comments here. The purpose of these rebuttal comments is to demonstrate that stakeholders within the Commonwealth support the granting of the Commonwealth's Petition, and that AGA's comments do not reflect the position of operating gas companies in the Commonwealth.

NCLC urges the Department to grant the Commonwealth's Petition

Sincerely,



Charles Harak, Esq.  
On behalf of NCLC's low-income clients  
charak@nclc.org

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<sup>4</sup> Unital subsidiary Fitchburg Gas & Electric provides gas services in and near Fitchburg, Massachusetts.



Stephen H. Bryant  
*President*

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Westborough, MA 01581  
(508) 836-7267  
Cellular: (508) 397-3518  
Fax: (508) 836-7075  
[sbryant@nisource.com](mailto:sbryant@nisource.com)

March 16, 2010

Ms. Brenda Edwards-Jones  
United States Department of Energy  
Building Technologies Program  
Mailstop EE-2J  
Room 1J-018  
1000 Independence Avenue, SW  
Washington, DC 20585-0121

Re: Petition of Massachusetts, Furnace Efficiency Standard EERE-BT-PET-0024

Dear Ms. Edwards-Jones:

This letter is in support of Massachusetts' Petition to Exempt from Federal Preemption Massachusetts' 90% Annual Fuel Efficiency ("AFUE") Standard for Non-weatherized Gas Furnaces, dated October 1, 2009 ("the Petition.")

Bay State Gas Company serves nearly 300,000 customers in 64 cities and towns in Massachusetts. Assisting customers with finding ways to reduce their energy usage is a high priority. Setting aggressive appliance standards, such as the one presented in the Petition, is integral to reducing energy consumption, especially in Massachusetts, where "unusual and compelling" circumstances related to energy exist.

For instance, Massachusetts residents are burdened by some of the highest energy costs in the nation. In addition, the number of "heating degree days" in Massachusetts greatly exceeds the national average. This combination of high energy prices plus long cold winters results in Massachusetts residents needing to spend more on energy than the average U.S. resident. Moreover, the unusually high number of renters in Massachusetts means that a greater number of Massachusetts residents are not in the position to choose the efficiency of the furnace used to heat their homes.

The Global Warming Solutions Act ("GWSA"), 2008 Mass. Acts Ch. 298, and the Green Communities Act ("GCA"), 2008 Mass. Acts Ch. 169 contain greenhouse gas ("GHG") reduction and energy efficiency goals. The GWSA requires the Commonwealth to reduce GHG emissions by 80% (from 1990 levels) by 2050, and to set interim GHG emission limits for 2020, 2030, and 2040. Energy efficiency goals set forth in the GCA include reducing fossil fuel use in buildings by 10% (from 2007 levels) by increasing the efficiency of both equipment (e.g. appliances) and the building envelope, and meeting at least 25% of the Commonwealth's electric load through energy efficiency and other demand-reduction measures. The GWSA and GCA are clear demonstrations of the Commonwealth's commitment to energy efficiency and a cleaner environment.

Ms. Brenda Edwards-Jones  
March 16, 2010  
Page 2 of 2

If granted, the 90% AFUE standard would greatly reduce energy use, costs, and GHG emissions. Implementation of product and appliance standards is integral to Massachusetts achieving these goals, and is an effective, least-cost tool for reducing energy use and GHG emissions. As explained in the Petition, implementing the standard would, between 2013 and 2030, save the state approximately 19.4 million therms in terms of gas usage and \$144 million in heating costs, and reduce GHG emissions by approximately 100,000 metric tons over the same time period. The average household buying a 90% AFUE furnace would see savings of approximately \$3,600 over the life of the furnace—approximately \$180 in annual fuel costs.

Implementing the 90% AFUE standard is integral to Massachusetts meeting its GHG reduction goals and energy use priorities, will save money for Massachusetts citizens, and will serve as a model for other states and the nation as a whole.

There is a separate Agreement<sup>1</sup> among various industry groups (AHRI and others) and various energy efficiency advocacy groups (American Council for an Energy-Efficient Economy and others) which urges DOE to adopt the 90% AFUE standard in many states. But there is no deadline by which must act on this voluntary agreement. I therefore urge you to approve the Massachusetts petition by the October 2010 deadline for acting on the Massachusetts petition, if not sooner.

I strongly urge you to grant the Commonwealth's petition.

Sincerely,



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<sup>1</sup> "Agreement on Legislative and Regulatory Strategy for Amending Federal Energy Efficiency Standards, Test Procedures, Metrics and Building Code Provisions for Residential Central Air Conditioners, Heat Pumps, Weatherized and Non-Weatherized Furnaces and Related Matters, October 13, 2009," available at: <http://www.standardsasap.org/documents/Furnace-ACAgreement.pdf>.



One NSTAR Way, Westwood, Massachusetts 02090

June 4, 2010

Honorable Cathy Zoi  
Assistant Secretary for Energy Efficiency and Renewable Energy  
U.S. Department of Energy  
1000 Independence Ave, SW  
Washington, DC 20585-0121

Re: Energy conservation standards for residential furnaces; Docket: EE-2009-BT-STD-0022 and RIN 1904-AC06

Dear Assistant Secretary Zoi:

As gas and electric utilities, we recognize the importance of energy efficiency measures in limiting demand, increasing system reliability, and increasing savings for consumers. We therefore urge you to adopt the furnace, heat pump, and air conditioner standards recommended to DOE by manufacturers and a broad group of efficiency advocates.

The standards included in the joint agreement are projected to:

- Save U.S. consumers about \$9.5 billion in today's dollars between 2013, when the new standards begin to take effect, and 2030 — even taking into account the incremental cost of the more efficient equipment;
- Save 3.0 quadrillion BTU of energy nationwide, which is equivalent to all the energy consumed by over 14 million households in a single year;
- Reduce the total heating energy load by 5 percent and the total cooling energy load by 6 percent in 2030;
- Reduce annual greenhouse gas emission by 18 million metric tons of CO<sub>2</sub> in 2030, an amount equal to that produced by more than 3 million cars in a single year.

The furnace standards account for 100% of the gas savings from the package of recommended standards and about one-third of the total savings at just over one quad. The proposed furnace standard will save about 46 trillion BTUs gas annually by 2020 growing to about 108 trillion BTUs annually in 2030, or roughly enough to heat more than two million typical homes. The sizeable gas and electric demand reductions will help reduce volatility in energy markets.

June 4, 2010

Page -2-

We support the regional standards proposed for the North, South and Southwest recognizing that appropriate regional standards can maximize savings. The 90% AFUE standards for gas furnaces will essentially require condensing furnaces in the North (states with greater than or equal to 5000 heating degree days). Though some consumers will experience increased incremental installation costs, DOE estimates life cycle cost savings of \$175. We support these regional standards and note that national consumer groups support them as well.

We urge the Department of Energy to adopt the entire package of standards contained in the joint agreement as soon as possible. Swift action will lock in significant cost, energy, and CO<sub>2</sub> savings.

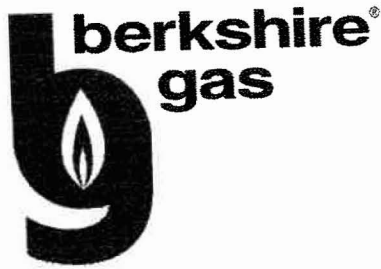
Sincerely,



Penni McLean-Conner

Vice President, Customer Care and Energy Efficiency

cc: Dr. Henry Kelly, Principal Deputy Assistant Secretary, EERE  
Dr. Kathleen Hogan, Deputy Assistant Secretary for Energy Efficiency, EERE  
Roland J. Risser, Program Manager, Office of Building Technologies  
Brenda Edwards, Building Technologies Program



June 24, 2010

Ms. Brenda Edwards-Jones  
United States Department of Energy  
Building Technologies Program  
Mailstop EE-2J, Room IJ-018  
1000 Independence Avenue, SW  
Washington, DC 20585-0121

Re: Petition of Massachusetts, Furnace Efficiency Standard EERE-BT-PET-0024

Dear Ms. Edwards-Jones:


This letter is in support of Massachusetts' Petition to Exempt from Federal Preemption Massachusetts' 90% Annual Fuel Efficiency ("AFUE") Standard for Non-weatherized Gas Furnaces, dated October 1, 2009 ("the Petition").

Meeting the energy needs of western Massachusetts for more than 150 years, Berkshire Gas provides natural gas service to 36,000 customers in Berkshire, Franklin and Hampshire Counties. For many years, the Company has provided its customers with information and programs to assist them in controlling their energy costs, including comprehensive energy efficiency programs. Energy efficiency is the consumer's best defense against higher energy prices and the economic and environmental consequences of imported fossil fuels. Setting an aggressive appliance standard, such as the one presented in the Petition, will make a critically important contribution to the energy efficiency goals for Massachusetts consumers.

Extreme winter weather and a high number of annual degree-days in our region makes savings through energy efficiency all that much more important to Massachusetts consumers. Strong fuel efficiency standards would provide important public benefits in the Commonwealth of Massachusetts.

Massachusetts has taken a leading role in promoting energy efficiency and clean energy goals through the Global Warming Solutions Act ("GWSA"), 2008 Mass. Acts Ch. 298 and the Green Communities Act ("GCA"), 2008 Mass. Acts Ch. 169. The GWSA requires the Commonwealth to reduce GHG emissions by 80% (from 1990 levels) by 2050, and to set interim GHG emission limits for 2020, 2030 and 2040. Energy efficiency goals set forth in the GCA include reducing fossil fuel use in buildings by 10% (from 20078 levels) by increasing the efficiency of

**The Berkshire Gas Company**  
115 Cheshire Road, P.O. Box 1388, Pittsfield, Massachusetts 01202-1388  
Telephone: (413) 442-1511 [www.berkshiregas.com](http://www.berkshiregas.com)

  
An Energy East Company



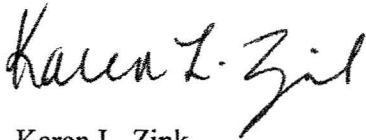
6/24/2010  
Page 2 of 2

both equipment (e.g. appliances) and the building envelope, and meeting at least 25% of the Commonwealth's electric load through energy efficiency and other demand-reduction measures.

Implementing the 90% AFUE standard is an important step in support of the Commonwealth's efforts to meet its GHG reduction goals and energy use priorities. The standard will save money for Massachusetts citizens, and will serve as a model for other states and the nation, as a whole. We respectfully ask you to assist the Commonwealth of Massachusetts in achieving its energy efficiency objectives by approving the Massachusetts petition.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Karen L. Zink". The signature is written in a cursive, flowing style.

Karen L. Zink  
President, Treasurer and Chief Operating Officer



June 15, 2010

George R. Gantz  
Sr. Vice President  
Distributed Energy  
Resources

Ms. Brenda Edwards-Jones  
United States Department of Energy  
Building Technologies Program  
Mailstop EE-2J  
Room 1J-018  
1000 Independence Avenue, SW  
Washington, DC 20585-0121

RE: Petition of Massachusetts, Furnace Efficiency Standard EERE-BT-PET-0024

Dear Ms. Edwards-Jones:

This letter is in support of Massachusetts' Petition to Exempt from Federal Preemption Massachusetts' 90% Annual Fuel Efficiency ("AFUE") Standard for Non-weatherized Gas Furnaces, dated October 1, 2009 ("the Petition")

Unitil provides electric and gas distribution services to 170,000 New England customers including 15,000 natural gas customers in Massachusetts. For many years, the Company has worked to provide its customers with information and programs to assist them in controlling their energy costs, including comprehensive gas and electric energy efficiency programs. Energy efficiency is the consumer's best defense against higher energy prices and the economic and environmental consequences of imported fossil fuels. Setting aggressive appliance standards, such as the one presented in the Petition, is a critically important contribution to the energy efficiency goals for Massachusetts consumers.

It is important to note that Massachusetts consumers face some of the highest energy costs in the nation, and home heating demands that far exceed the national average. In addition, many of our communities have an unusually high proportion of rental properties that rely on the decisions of their landlord's relative the choice and the efficiency of their heating system. Strong fuel efficiency standards would, as a consequence, provide important public benefits in the state of Massachusetts.

Massachusetts has also taken a leading role in promoting energy efficiency and clean energy goals through the global Warming Solutions Act ("GWSA"), 2008 Mass. Acts Ch. 298, and the Green Communities Act ("GCA"), 2008 Mass. Acts Ch. 169. The GWSA requires the Commonwealth to reduce GHG emissions by 80% (from 1990 levels) by 2050, and to set interim GHG emission limits for 2020, 2030, and 2040. Energy efficiency goals set forth in the GCA include reducing fossil fuel use in buildings by 10% (from 2007 levels) by increasing the efficiency of both equipment (e.g. appliances) and the building envelope, and meeting at least 25% of the Commonwealth's electric load through energy efficiency and other demand-reduction measures.

Unitil Energy Systems, Inc.  
6 Liberty Lane West  
Hampton, NH 03842  
Phone: 603-773-6569  
Fax: 603-773-6769


Email: gantz@unitil.com

Ms. Brenda Edwards-Jones  
June 15, 2010  
Page 2 of 2

Implementing the 90% AFUE standard is an important step in support of the state's efforts to meet its GHG reduction goals and energy use priorities. The standard will save money for Massachusetts citizens, and will serve as a model for other states and the nation as a whole. We respectfully ask you to assist the state of Massachusetts in achieving its energy efficiency objectives by approving the Massachusetts petition.

Thank you for your consideration.

Sincerely,



George R. Gantz  
Senior Vice President, Distributed Energy Resources

July 1, 2010

New England Gas Company 

Ms. Brenda Edward-Jones  
U.S. Department of Energy  
Building Technologies Program  
Mailstop EE-2J, Room IJ-018  
1000 Independence Ave, SW  
Washington, DC 20585-0121

Re: Petition of Massachusetts, Furnace Efficiency Standard EERE-BT-PET-0024

Dear Ms. Edward-Jones:

This letter is in support of Massachusetts' Petition to Exempt from Federal Preemption Massachusetts' 90% Annual Fuel Efficiency ("AFUE") Standard for Non-weatherized Gas Furnaces, dated October 1, 2009 ("the Petition").

New England Gas Company provides gas distribution services to over 55,000 residential and commercial & industrial customers in southeastern Massachusetts. For nearly 20 years, the company has worked to provide our customers with comprehensive energy efficiency programs and information specifically targeted at them to manage their energy costs – including nationally recognized and award winning programs.

Massachusetts has taken a leading role in promoting energy efficiency and clean energy goals through the Global Warming Solutions Act ("GWSA"), 2008 Mass. Acts Ch. 298 and the Green Communities Act ("GCA"), 2008 Mass. Acts Ch. 169. The GWSA requires the Commonwealth to reduce Greenhouse Gas ("GHG") emissions by 80% (from 1990 levels) by 2050, and to set interim GHG emissions for 2020, 2030 and 2040. Energy efficiency goals set forth in the GCA include reducing fossil fuel use in buildings by 10% (from 2007 levels) by increasing the efficiency of both equipment (e.g. appliances) and the building envelope, and meeting at least 25% of the Commonwealth's electric load through energy efficiency and other demand-reduction measures.

Implementing the 90% AFUE standard is an important step in support of the Commonwealth's efforts to meet its GHG reduction goals and energy use priorities. The standard will save money for Massachusetts citizens, and will serve as a model for other states and the nation, as a whole.

We respectfully ask you to assist the Commonwealth of Massachusetts in achieving its energy efficiency objectives by approving the Massachusetts petition.

Sincerely,



David Black  
Chief Operating Officer

VOLUME 1, PAGES 1-109

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES  
DPU 10-55

PUBLIC HEARING, held at the Department  
of Public Utilities, One South Station, Boston,  
Massachusetts, on Monday, June 28, 2010, commencing  
at 9:32 a.m., concerning:

NATIONAL GRID

SITTING: Marc Tassone, Hearing Officer  
Kevin Brannelly, Director, Rates and  
Revenue Requirements Division  
Paul Osborne, Assistant Director, Rates  
and Revenue Requirements Division  
Sean Hanley, Assistant Director, Rates  
and Revenue Requirements Division  
Matthew Nelson, Analyst  
Alexander Kofitse, Economist

-----Reporter: Alan H. Brock, RDR, CRR-----

Farmer Arsenault Brock LLC

50 Congress Street, Boston, MA 02109

617.728.4404

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CROSS-EXAMINATION

BY MR. HARAK:

Q. Good morning, Mr. Stavropoulos. My name is Charlie Harak, and I represent two of your Utility Workers Union of America locals.

A. Good morning, Mr. Harak.

Q. Mr. Ritchie asked you several questions about efficiency and your efficiency programs. I

1 just have a few questions, if I could.

2 MR. HARAK: If I may, I'm going to pass  
3 out a copy of one of our information requests,  
4 UWUA-2-5.

5 Q. And it's just the request, Mr.  
6 Stavropoulos. Mr. Stavropoulos, have you seen this  
7 question before? I don't know the internal process.

8 A. Which one?

9 Q. 2-5.

10 A. I'm sorry. I was reading the continuation  
11 question from the previous page.

12 Q. It starts about two thirds down on the  
13 page.

14 A. I've read the question and the response,  
15 yes.

16 Q. My records through Friday show that the  
17 answers haven't been served. Am I correct?

18 A. Well, I read the draft response over the  
19 weekend.

20 Q. So let me just read into the record the  
21 question, if I may. As of the time of filing your  
22 testimony, Mr. Stavropoulos, had National Grid taken  
23 any position internally or publicly regarding, first  
24 I'll ask you the waiver petition of the Commonwealth

1 of Massachusetts seeking the approval of the  
2 Department of Energy to allow the State's 90 percent  
3 AFUE furnace standard to be implemented? Do you  
4 know what your answer is?

5 A. We had not.

6 Q. And on -- do you know what AFUE is for the  
7 record? Could you state that?

8 A. It's the efficiency -- I don't know what  
9 the acronym is, but it relates to the efficiency of  
10 end-use equipment.

11 Q. If you recall, is it annual fuel  
12 utilization efficiency?

13 A. I'll take that subject to check.

14 Q. So as of the time of your testimony, you  
15 had taken no position -- or the company, I should  
16 say, National Grid, had not taken a position; is  
17 that correct?

18 A. Right, because it was -- I recall, the  
19 standard only applied to gas furnaces and did not  
20 apply to oil furnaces. So we thought -- we really  
21 had to have a think about this, because the  
22 requirement would be imposed only on gas customers,  
23 and oil customers would not have the same standard  
24 imposed. So we thought that was unfair for our gas



1 customers. So we really had to think about, you  
2 know, what our position should be regarding this  
3 issue.

4 Q. And if you know, has National Grid since  
5 taken a position on the Massachusetts waiver  
6 petition?

7 A. I don't know if we've filed, but internally  
8 we've come to the conclusion that we're going to  
9 support the standard. It gives us heartburn knowing  
10 that our competition is not required to have the  
11 same standard, but we think it's the right thing to  
12 do for our customers. We think that our product can  
13 still compete on its other features and benefits,  
14 despite the fact that we've got asymmetrical rules  
15 applying to our competition.

16 Q. If you know, Mr. Stavropoulos -- I know  
17 you're not a lawyer. But if you know, is there any  
18 standard at all for oil-fired furnaces?

19 A. I believe it's 78 percent.

20 Q. Do you know what the current -- I'm sorry.  
21 Withdraw that.

22 As to the second part of the question, a  
23 similar question: That is, as of the time of your  
24 testimony, had National Grid taken a position in the

1 Federal I'll use the phrase "national standard  
2 docket for furnaces"? Had the company taken a  
3 position?

4 A. We had not.

5 Q. And if you know, has Mr. -- first I should  
6 ask, do you know who Mike White is?

7 A. I do.

8 Q. Could you state his position for the  
9 record?

10 A. He is our vice-president responsible for  
11 all of our energy efficiency programs.

12 Q. And do you know whether Mr. White since  
13 filing your testimony has sent in a letter to Kathy  
14 Zoi, Z-o-i, at the Department of Energy on the  
15 national standards?

16 A. I do, and he did.

17 Q. Just a few more questions, Mr.  
18 Stavropoulos. In the internal discussions did you  
19 personally take a position one way or the other in  
20 the internal discussions?

21 A. I completely supported the Massachusetts  
22 issue, everything except around the issue that I  
23 just set forth. I'd be repeating myself if I said  
24 that. So that gave me personal heartburn. But I

1 think at the end we're just going to be able to  
2 advertise, "Ask your oil dealer why they can only  
3 provide you a piece of equipment that's 78 percent  
4 efficient?" So that gave me a lot of comfort that  
5 we're going to be able to compete effectively.

6 Q. I forget: Do you have any engineering  
7 background?

8 A. I do not.

9 Q. Let me ask this anyway: Do you know  
10 whether an oil-fired furnace inherently is capable  
11 of the same efficiency levels as a gas-fired  
12 furnace?

13 A. It can't, and that's the issue, that we're  
14 going to exempt something because they say they  
15 can't do it. And it just doesn't seem fair. That  
16 would be like imposing a fuel standard on an all-  
17 wheel-drive vehicle versus a rear-wheel-drive  
18 vehicle and just saying that we're not going to  
19 apply the fuel-efficiency standard to the all-wheel-  
20 drive vehicle because it just physically can't  
21 compete. It makes no sense to me.

22 Q. Just one final question, so I'm clear as of  
23 today, and not just as of when you filed your  
24 testimony. As of today, National Grid supports both

1 the 90 percent AFUE waiver petition of the  
2 Commonwealth and 90 percent as the standard  
3 nationally for colder Northern states; correct?

4 A. On the latter part, we've sent a letter in.  
5 I don't know if we've sent a letter in, but we're in  
6 support.

7 MR. HARAK: I have no further questions.  
8 Thank you.

9 MR. TASSONE: Thank you. The Bench has  
10 some questions.

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