

Burgos, Alexander N

Subject: FW: [External] Request for a waiver to allow for additional public comment concerning Agenda item 7 of the April 30, 2024 agenda: Building Code Council - 2024 North Carolina Energy Conservation Code

From: Dan Tingen <dan@tingen.com>

Sent: Sunday, April 28, 2024 12:50 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Rittlinger, David B <david.rittlinger@ncdoi.gov>

Cc: Childs, Nathan D <nchilds@NCDOJ.GOV>

Subject: [External] Request for a waiver to allow for additional public comment concerning Agenda item 7 of the April 30, 2024 agenda: Building Code Council - 2024 North Carolina Energy Conservation Code

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Dear Chairperson Doran,

Pursuant to 26 NCAC 05 .0112: WAIVER, I am requesting a waiver to allow for additional public comments beyond the timeframe allowed under 26 NCAC 05 for the reasons as noted below.

- (d) The factors to be used in deciding whether to waive a rule are:
- (1) the necessity for a waiver;
The last-minute response by the agency's rulemaking coordinator did not leave time to respond to his comments.
 - (2) the amount of notice given to the Commission and its staff, the agency proposing the rule, and interested parties;
The last-minute response by the agency's rulemaking coordinator did not provide adequate time for additional public.
 - (3) the applicant's responsibility for the conditions creating the need for a waiver;
I was not aware of the agency's comments until after the deadline.
 - (4) the applicant's previous requests for a waiver;
None
 - (5) the applicant's knowledge of or experience with the rulemaking process;
Minimal working knowledge of or experience with the RRC process, I am generally familiar with the rulemaking process.
 - (6) the precedential value of such a waiver;
The waiver will allow the commission to hear additional public comments.

- (7) the harm to the applicant if a waiver is not granted;
The commission will not be able to consider my comments.
- (8) the harm to the agency if a waiver is granted when the agency is not the applicant.
None, the RRC will consider all agency comments in addition to all public comments and will render its decision accordingly.

Most respectfully,



Dan Tingen

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