



VIA EMAL AND FEDEX

May 11, 2012

Mr. Jim Richmond, Executive Director
Florida Building Commission
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399

**RE: Third Amended Petition for Declaratory Statement
DS 2012-021, filed April 23, 2012 and corresponding Staff Opinion**

Dear Mr. Madani,

PGT Industries, Inc., a Florida corporation ("PGT"), submits this comment letter regarding the Third Amended Petition for Declaratory Statement DS 2012-021, filed April 23, 2012, and the Staff Opinion, as revised, April 23, 2012. The purpose of this letter is twofold. First, we believe it is imperative that the Energy Technical Advisory Committee (the "Energy TAC") understands that we fully support the legal and technical positions articulated in the Comment Letter, dated March 23, 2012, submitted by RECA. Additionally, and of greater import, there are sound business reasons which warrant consideration by the Energy TAC.

Shortly after Governor Crist signed Executive Order 07-127 (the "Executive Order") into law on July 13, 2007, PGT embarked on a specific business strategy to support the stated goals and objectives of this Executive Order in relation to products which would be sold into the new construction market. Later, in 2009, during the 2010 Florida Building Code, Energy Conservation (the "Energy Code") development cycle, we honed our objectives and invested millions of dollars in research to develop a variety of products to meet or exceed the requirements of such Energy Code for the retrofit market. At this juncture, and as a result of significant capital and human expenditures, we are proud to offer a suite of products framed in both aluminum and vinyl, including single hung, double hung, fixed, casement, horizontal roller, and awning windows. In addition, in recognition of the need of Floridians to meet the



impending Energy Code, we also developed companion French doors, and sliding glass door systems which are, once again, offered with both aluminum and vinyl frames. All of these products were designed specifically for the Florida market, specifically to meet the Energy Code, and all such products comply not only with the Energy Code's Table 402.1.1, but also carry Miami Dade NOAs and Florida Product Approvals.

We have heard the arguments of certain manufacturers claiming that enforcement of the Energy Code will prove inconvenient and negatively impact their business results. However, this Energy Code should come as a surprise to none, as not only the general direction but also the specific requirements and projected implementation date of the Energy Code have been publicly available for several years. In fact, let us not forget that enforcement of the Energy Code has already been delayed from December 31, 2011 to March 15, 2012, and here we sit, in May, with no enforcement. As stated above, PGT devoted a significant amount of dollars and effort to comply with a standard that was vetted and voted on years ago and which allowed ample time for every window manufacturer to meet the standard. Manufacturers admitting that they failed to make sound business decisions is not a valid reason to delay code enforcement.

A handwritten signature in cursive script, appearing to read 'Dean Ruark'.

Dean Ruark
Code Compliance Manager

A handwritten signature in cursive script, appearing to read 'Mario Ferrucci III'.

Mario Ferrucci III
Vice President & General
Counsel

CC: Mo Madani
Paula Ford