



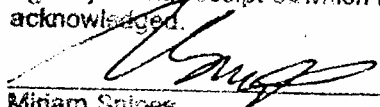
DCA09-DEC-322

13355 George Weber Drive, Suite M
Rogers MN 55374
Phone: (405) 600-7046, ext. 33 Fax: (763) 416-7774

September 9, 2009

Florida Building Commission
c/o Paula Ford, Clerk of the Commission
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

 9/14/09
Miriam Snipes Date
Deputy Agency Clerk

RE: PETITION FOR DECLARATORY STATEMENT BEFORE THE FLORIDA BUILDING COMMISSION

Dear Commissioners:

CDC Enterprises, Inc. is a company specializing in the manufacture of high energy efficiency HVAC ducting and systems. CDC Enterprises is engaged in retrofit projects in multiple Florida Counties involving the replacement of HVAC ducting above ground, but below trailer. Our product, AKDUCT, is approved for use below ground. Additionally, due to the efficiency gains, resistance to moisture, and durability local building officials have approved of AKDUCT's use in some above ground applications. The Building Official in Polk County found that the product complies with the intent of the provision of the Florida building code for above ground HVAC duct in Mobile homes (See attached letter from Polk County Building Official and attached product specifications).

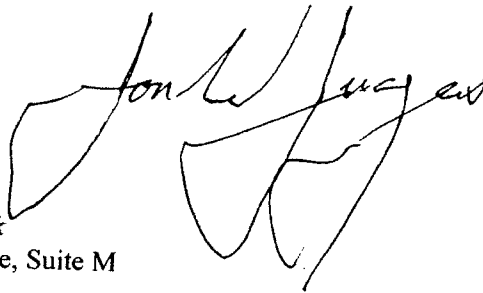
The Polk County Building Official approved of this product as an alternative material for use above ground according to Section 13-102.2 of the Florida Building Code.

However, the Building Official noted that Section 13-102.2 of the Florida Building Code states, under the Energy Efficiency Code, that an alternative material must be approved by "the building official and the Florida Building Commission as meeting the intent of the code". It appears that Section 13 of the Code may require, due to the use of the word "and" in the above excerpt, the Florida Building Commission to give its opinion on matters dealing with energy efficiency and alternative materials.

CDC Enterprises respectfully requests that the Florida Building Commission provide guidance on whether, under Section 13-102.2 of the Building Code, the Polk County Building Officials approval was proper.

Please contact me at (405) 600-7046, ext. 33 with any questions.

Sincerely,

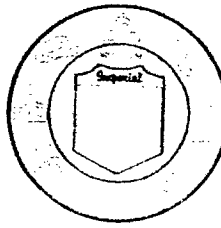
A handwritten signature in black ink that reads "Jon Jungers". The signature is written in a cursive, flowing style with some loops and flourishes.

Jon Jungers, CEO
CDC Enterprises, INC.
The Evolution of Ductwork
13355 George Weber Drive, Suite M
Rogers MN 55374
Phone: (405) 600-7046, ext. 33
Fax: (763) 416-7774

Building Division

**John Hall
Director**

**Jim Legee
Building Official**



Board of County Commissioners

P. O. Box 9005
Drawer GM02
330 West Church Street
Bartow, FL 33831

(863) 534-6080
SUNCOM 569-6080
FAX (863) 534-6016

September 2, 2009

Mr. Jon Jungers
President & CEO
CDC Enterprises
13355 George Weber Drive
Suite M
Rogers, MN 55374

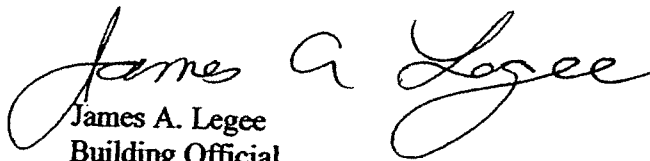
Dear Mr. Jungers:

RE: AKDUCT

Our office has reviewed the material specifications and testing information available for CDC Enterprises AKDUCT product and finds that this product is satisfactory and complies with the intent of the provisions of the Florida Building Code for installation for above ground HVAC duct on mobile homes.

Approval of this product is made in accordance to Section 13-102.2 of the Florida Building Code. However, Section 13-102.2 of the Florida Building Code states, under the Energy Efficiency Code, that an alternative material must be approved by "the building official and the Florida Building Commission as meeting the intent of the code". It appears that Section 13 of the Code may require, due to the use of the word "and" in the above excerpt, the Florida Building Commission to give its opinion on matters dealing with energy efficiency and alternative materials.

Sincerely,


James A. Legee
Building Official
(863) 534-5928