



PUBLIC PROTECTION CABINET

Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

**Kentucky Department of Housing,
Buildings and Construction**
500 Mero Street, First Floor
Frankfort, Kentucky 40601
Phone: (502) 573-0365

DJ Wasson
SECRETARY

Max Fuller
COMMISSIONER

September 1, 2026

Brian Miller
Brian Miller Contracting
140 Franklin Rd
Scottsville, KY 42164
brian@brianmillercontracting.com
via Email

**Re: Alternative material or method for overcurrent protection of outdoor outlets
providing power to listed HVAC equipment for dwellings**

Mr. Miller,

This letter is in response to your August 31, 2026 request for the continued use of “standard breakers for HVAC equipment covered by NEC 210.8(F).” In your request, you note that there are “compatibility issue[s] between HVAC equipment and GFCI protection” that still exist and that “contractors are still expressing concerns with nuisance tripping” which “can result in homeowners unexpectedly losing heating or cooling.” Additionally, you describe the currently proposed Tentative Interim Amendment (“TIA”) No. 1924, which proposes to amend the 2020, 2023, and 2026 National Electrical Code (“NEC”) to extend the delayed implementation of Exception No. 2 to Article 210.8(F) from September 1, 2026 to September 1, 2028.

In accordance with R104.11 of the 2015 International Residential Code, incorporated by reference at 815 KAR 7:125, your request for approval of an alternative material or method for overcurrent protection of outdoor outlets providing power to listed HVAC equipment for dwellings is approved. Recently, the NEC Task Force concluded its review of the 2026 NEC to evaluate its potential adoption. The task force, consisting of electrical inspectors, contractors, builders, equipment manufacturers, and engineers provided its recommendation in a May 26, 2026 letter to Commissioner Fuller. In its letter, the task force recommended adoption of the 2026 NEC with some delayed implementation. Notably, the task force recommended extending exception No. 2 of 2026 NEC Article 210.8(F) until December 31, 2027.

This alternative material or method is approved until January 1, 2028 or the effective date of a future amendment of 815 KAR 7:125, whichever is sooner.

Sincerely,



Gary Feck, Director
Division of Building Code Enforcement



Darryl Morgan, Director
Electrical Division



August 31, 2026

Department of Housing, Buildings and Construction
Public Protection Cabinet
500 Mero Street
Frankfort, Kentucky 40601

Dear Department Officials:

As a Kentucky contractor, I am requesting that the Department of Housing, Buildings and Construction allow an alternative method of compliance for NEC 210.8(F), which is scheduled to expire September 1, 2026.

The compatibility issue between HVAC equipment and GFCI protection has not been fully resolved. HVAC and GFCI manufacturers continue to work toward a solution, but additional time is needed to develop and test equipment that works reliably together. Contractors are still expressing concerns with nuisance tripping, which can result in homeowners unexpectedly losing heating or cooling.

This ongoing issue is recognized by the NEC, which proposes extending the exception until September 1, 2028 to give the industry additional time to resolve these compatibility concerns.

Until this issue is resolved, we respectfully request that DHBC consider an alternative method allowing standard breakers to continue to be used for HVAC equipment covered by NEC 210.8(F).

We believe this is a reasonable solution that will allow contractors to continue installing reliable HVAC systems while the industry works toward a permanent code solution.

Thank you for your consideration.

Sincerely,

Brian Miller
Brian Miller Contracting
License Numbers: CE63778 and ME8320