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California Energy Commission
Docket Unit, MS-4
Docket No. 17-AAER-12
715 P Street
Sacramento, California 95814

**Re: Voluntary Performance Framework for Low-Power Modes (17-AAER-12):
Entertainment Software Association's Comment in Response to the California
Energy Commission's Draft Staff Report on Voluntary Performance
Framework for Low-Power Modes Version 1.0.**

The Entertainment Software Association ("ESA") submits these comments in response to the California Energy Commission's ("Commission" or "CEC") Draft Staff Report on the Voluntary Performance Framework for Low Power Modes Version 1.0 ("Draft Report"). These comments provide ESA's concerns regarding the proposals for the Voluntary Performance Framework for Low Power Modes ("VPF-LPM") and whether the Draft Report reflects those proposals. ESA also considers and comments upon the discussions during the workshop on the Draft Report held on June 24, 2026.

I. The Entertainment Software Association Represents Game Console Makers

ESA is the U.S. trade association representing the publishers of computer and video games played on consoles, personal computers, mobile devices, and the internet. ESA advocates on behalf of the U.S. video game industry. ESA's membership includes the three major console makers: Sony Interactive Entertainment, which makes and operates the Sony PlayStation platform; Microsoft, which makes and operates the Microsoft Xbox platform; and Nintendo, which makes and operates the Nintendo Switch platform.

ESA supports continued strides to improve energy efficiency for all appliances in California and globally. In these comments, ESA suggests reasonable modifications to the Draft Report that will provide clarity for participating manufacturers regarding the scope of the VPF-LPM and that will assist in revising the Draft Report to align with discussions during the workshop. In general, and in support of both energy efficiency measures and continued growth of the video game industry in California, ESA encourages the Commission to harmonize its energy efficiency programs with international and federal standards and to support the efficiency measures already implemented by the video game console industry.

II. Comments on the Draft Staff Report on the Voluntary Performance Framework for Low-Power Modes

1) The Draft Staff Report Should Be Revised to Clarify Whether the Commission Considers Products Subject to Federal Regulation to be In-Scope.

Within the identified in-focus product categories for the VPF-LPM are models that are also subject to federal energy conservation standards. In particular, it appears Commission Staff may not have anticipated the degree to which the product categories and the associated participation targets in the Draft Report include products that are also Federally Regulated Battery Chargers required to report model information in MAEDbS pursuant to the Appliance Efficiency Regulations.¹

Based on the language currently in the Draft Report, federally regulated appliances are excluded from the VPF-LPM scope with no further discussion.² During the workshop, however, parties discussed framework participation for federally regulated products with embedded battery chargers, and Commission Staff indicated that it may still seek VPF-LPM participation for these products.³ This issue is foundational to the success of VPF-LPM because it affects whether an industry can or cannot meet the in-focus product category participation targets. Where the “market,” for which the Commission is seeking 50 percent voluntary reporting participation, does not encompass a model powered by a federally regulated battery charger because that product is out-of-scope, then the participation level for the product category may need to be adjusted to accurately reflect 50 percent of the market of in-focus and in-scope products.⁴

In its decision-making, Commission Staff should bear in mind that voluntary participation presents burdens that companies may choose to avoid for federally regulated products. These burdens include implementation of new testing processes for companies already subject to federal and international energy efficiency testing obligations, associated costs of such testing and reporting, and potential conflicts in public representations of a product’s energy efficiency that result from the new data collection procedure (“DCP”) for low-power modes. For these reasons, a manufacturer with a federally regulated product may not be incentivized to voluntarily participate in DCP testing.⁵

Until clarifications are provided for how VPF-LPM will treat federally regulated product categories, including Federally Regulated Battery Chargers already subject to Appliance Efficiency Regulation reporting requirements, it is difficult to comment on the minimum participation targets set forth in Table 3 of the Draft Report.⁶ After Commission Staff has

¹ Cal. Code Regs. Tit. 20, § 1606 (2026) [hereinafter, all section citations are to Cal. Code Regs. Title 20].

² Draft Report at 9.

³ See June 2026 Workshop Recording for the Voluntary Performance Framework for Low-Power Modes, 00:57:19 to 59:18 [hereinafter Workshop Recording].

⁴ See Draft Report at 9.

⁵ See Draft Report at 16.

⁶ Notably, for game consoles, there would be fewer than five current game console models in the “in-focus” market for any two manufacturers.

provided clarity on this issue, ESA requests that Staff allow parties an additional opportunity to comment on the reasonable VPF-LPM participation targets for their product category.

2) The Commission Should Allow Participating Manufacturers to Use the Updated IEC Measurement Methods for Standby and Non-Active Power.

Since the Draft Report was published on May 15th, the International Electrotechnical Commission (“IEC”) has updated the two methods for measurement of electrical power in standby and other non-active modes. Specifically, an updated IEC 62301:2026 (measurement of standby power for appliances and equipment) was published on May 22nd and IEC 63474:2026 (measurement of networked standby power) was published on June 9th.⁷ The DCP, therefore, is unfortunately now developed from an outdated version of the IEC measurement method. While ESA appreciates the significant work that has been done up to this point by the Commission and consultants on the DCP, the DCP should now be updated to be aligned as much as possible with the newly published IEC standards.

ESA understands the DCP was designed to address shortcomings in the 2011 version of IEC:62301. As explained in the Draft Report, the DCP builds on the IEC test procedure from 2011, noting that IEC 62301 “lacks setup instruction that apply to many of the newest functions that today’s electricity using products may offer, such as network connectivity, voice activation, and environmental monitoring.”⁸ Also, “IEC 62301 is designed to measure power in discrete operational modes rather than in a general inactive condition that may consist of multiple modes.”⁹ However, these shortcomings have now been addressed with the publication of IEC 62301:2026 and IEC 63474:2026. These standards rigorously cover testing of all networked configurations, methodologies for testing modes with different features enabled, and have expanded scope to cover mains- and battery-powered household appliances; information technology equipment; and audio, video, and multimedia systems and equipment

Considering the IEC measurement methodology updates, ESA strongly recommends that the Commission revise the DCP-LPM to allow participating manufacturers to use the recently published IEC 62301 and IEC 63474 as the baseline measurement procedures, as applicable, for measuring the power of standby and networked standby modes, and limit any CEC-specific provisions to clearly identified gaps or product-specific scenarios not addressed by those standards. Any such deviations should be narrowly tailored, technically justified, and harmonized with product-specific standards where available. This avoids creating a California-specific test method where an internationally recognized IEC basis now exists.

Where the Draft Report is not revised to allow use of the recently updated IEC procedures, ESA requests that the Staff revise the DCP to base the method on IEC 62301:2026 and IEC 63474:2026 standards in place of the IEC 62301:2011 methods. The Draft Report

⁷ See International Electrotechnical Commission webstore listings for IEC 62301:2026 at <https://webstore.iec.ch/en/publication/90194> and for IEC 63474:2026 at <https://webstore.iec.ch/en/publication/85393>.

⁸ Draft Report at 20.

⁹ *Id.*

should also explain why the purposes of the VPF-LPM are not served by these updated procedures.

3) Commission Assessment of DCP Results Should Consider User Engagement with the Product.

ESA is concerned that DCP results, if evaluated without appropriate context, may not accurately reflect the energy-saving strategies that manufacturers have implemented based on real-world user behavior and product functionality. Using game consoles as an example, manufacturers configure default automatic power down (“APD”) settings to a reasonable time to balance energy savings with user experience. If APD timeouts are set too aggressively, users tend to become frustrated and disable the feature or keep the device active in ways that avoid APD, which reduces rather than improves real-world energy savings. APD can only save energy if the user keeps it enabled. The Natural Resources Defense Council (“NRDC”) has identified a one-hour APD setting as a reasonable compromise between energy savings and user convenience for game consoles.¹⁰ NRDC has also cautioned that the incremental saving from reducing APD from three hours to one hour is relatively small compared with having no APD at all, and that overly short or intrusive APD settings risk users disabling the feature, thereby negating its benefits. Sony Interactive Entertainment’s console telemetry supports this, finding that double the number of users in Europe disable APD, where the default times are shorter compared to the Americas.

APD timing appropriate for one product category may not achieve the same energy-efficiency outcome for another category, particularly where product functionality, usage patterns, session length, connectivity expectations, and user interaction models differ. For game consoles, APD behavior must account for scenarios such as gameplay pauses, media use, downloads, updates, network connectivity, and other expected user interactions.

Accordingly, ESA cautions Staff against using DCP results to determine possible future performance targets that may affect APD timing without considering whether shorter APD timeouts would produce durable real-world energy savings. Staff should evaluate DCP results in context of the product-specific user behavior and, specifically in the context of the game console category, should avoid assumptions that shorter APD timeouts will necessarily improve overall energy performance. As such, and to encourage voluntary participation, the Draft Report should be revised to assure participating manufacturers that DCP results will be considered in light of real-world user behavior.

4) Voluntary Performance Targets Should Avoid Impractical Energy Standard Creep and Set Reasonable Timelines for Implementation.

The Draft Report lacks details concerning the measures the Commission Staff will take in setting performance targets under the VPF-LPM. ESA suggests that the Draft Report be revised to provide assurances that possible future performance targets and improvement plans will not be unreasonably applied to the framework’s voluntary participants.

¹⁰ NRDC: Lowering the Cost of Play: Improving Energy Efficiency of Video Game Consoles (<https://www.nrdc.org/sites/default/files/fconsoles.pdf>).

In particular, where a product category is already highly efficient considering the function it provides the user, and accounting for likely user behavior, the Commission should not impose lower performance standards upon the product category. In order to encourage voluntary participation for data collection purposes, the Commission should take measures to avoid the perception that it will endlessly chase incremental efficiency gains under this framework. Essential functions of the product must be taken into account, and the VPF-LPM should encompass this concept. Game consoles, for example, require microchips for game functionality that require certain levels of power in an inactive condition that cannot be further reduced.

ESA appreciates the Staff representation made in the workshop that the Commission is intending to identify outlier products in a particular market category when it comes to low-power mode energy efficiency, and this identification is an aim of the VPF-LPM.¹¹ This intention is aligned with ESA's concerns regarding unfounded standard creep, and ESA encourages the Staff to update the Draft Report consistent with this discussion during the workshop.

Where an international low-power mode program applies to a product category, any performance standard or improvement plan should expressly consider these existing obligations on the product category. This is particularly true for game consoles, which are already configured to achieve ambitious low-power mode energy efficiency targets consistent with the European Union's Game Consoles Voluntary Agreement ("GCVA").¹² Considering the voluntary nature of the framework, the Commission should recognize efficiency obligations beyond California and federal energy regulations when assessing whether it is appropriate to set performance targets.

Additionally, any future voluntary performance target should have a reasonable phase-in period. Where a voluntary performance standard is set in future rounds of the framework, it is imperative that a timeframe for phasing in new voluntary standards take into consideration engineering and design efforts, supply chain delays, time for production of revised models, and other reasonable business and logistical factors. The Draft Report should be revised to ensure these considerations will be part of any VPF-LPM performance target.

5) The Draft Report Should Be Revised to Assure Product Manufacturers that the Process for the CEC to Establish Voluntary Performance Standards in Future Rounds of the VPF-LPM Will Include Stakeholder Input.

During the workshop, Commission Staff represented that there will be stakeholder engagement associated with the Commission's analysis of DCP results and with how the Commission will set performance targets.¹³ However, this assurance is not in the Draft Report. Where the Commission chooses to pursue voluntary performance targets or an improvement plan for a product category, stakeholder input is vital to establishing achievable performance

¹¹ Workshop Recording -01:13:22

¹² See the European Commission's information for game consoles' Self-Regulatory Initiative, also called the Game Consoles Voluntary Agreement at https://energy-efficient-products.ec.europa.eu/product-list/games-consoles_en.

¹³ Workshop Recording at 01:05:00-10:00.

measures. Such input will also allow the Commission to collect industry perspective on the concerns discussed in the sections above.

Considering the importance of stakeholder feedback after DCP results are considered by Staff, the Draft Report should be revised to clarify that the Commission will gather and consider stakeholder input prior to implementation of any voluntary performance standard.

6) The Draft Report Should Be Revised to State that the VPF-LPM Seeks Data on Products Currently Available for Sale.

During the workshop, Staff confirmed that it is not seeking information on models no longer being marketed for sale in California.¹⁴ This is an important clarification for understanding what comprises the VPF-LPM “market” of products, and it clarifies which models participating manufacturers should select for DCP testing. The Draft Report should be revised to include this clarification.

7) The Draft Report Should Clarify Whether Manufacturers Must Use MAEDbS for Voluntary DCP Reporting or Whether Reporting in MAEDbS is Optional.

During the workshop’s overview of the DCP data submission process, Staff noted that it recommends data submission via “the CEC’s online server, via a web browser...using a service similar to the existing MAEDbS as this is the more streamlined and familiar model method.” Then, Staff added “[h]owever, the CEC welcomes all types and forms of information and data submission.”¹⁵

ESA agrees that the CEC should be open to receiving the information in Table A-3 of the Draft Report via means other than the MAEDbS platform. Allowing alternative transmission of the DCP data to staff will remove a barrier to voluntary participation as MAEDbS is chiefly intended for compliance with the Title 20 Appliance Efficiency Regulations. ESA is concerned that using this database for VPF-LPM may lead to CEC Staff, product manufacturer, and consumer confusion as to whether a model is submitting information pursuant to Title 20 requirements or the voluntary VPF-LPM, and as to what may be the actual energy efficiency of a reported model. This is especially important where a product manufacturer chooses to report DCP results for a model that must also use MAEDbS to comply with the Title 20 Appliance Efficiency Regulations.

In order to make this alternative data reporting option clear to product manufacturers, the Draft Report should be revised to allow submission of DCP results outside MAEDbS, consistent with representations made during the workshop.

III. Conclusion

The Entertainment Software Association appreciates the improvements made to the VPF-LPM and the DCP. However, there remain key areas where further refinement is needed. First, it is fundamental to the success of the framework that the Commission provide clarity on the

¹⁴ Workshop Recording at 00:46:40 to 49:05.

¹⁵ Workshop Recording at 00:38:37 to 39:10.

expectation that in-scope products include or exclude models that are federally regulated and already reporting data to the Commission pursuant to the Appliance Efficiency Regulations. The Commission should specifically address the framework's inclusion or exclusion of products that are Federally Regulated Battery Chargers.

Second, the Draft Report and DCP should be revised to recognize recent updates to the IEC's two measurement methods for standby and non-active power modes. ESA proposes that the Commission allow participating manufacturers to use the updated IEC testing methods in place of the DCP. Where this change is not made, the DCP and Draft Report should be revised to reflect the IEC method updates.

Third, when assessing DCP results and in setting any performance targets, the Draft Report for the VPF-LPM should be revised to provide assurances to participating manufacturers that the Commission will consider user engagement—especially when considering game console automatic power-down settings, device functionality, international energy efficiency targets that apply to the product category, and a reasonable phase-in period for product implementation of voluntary performance standards.

Fourth, the Draft Report should be revised to be consistent with discussions held during the June 24, 2026 workshop. This includes adding to the Draft Report that the Commission will gather and consider stakeholder input prior to setting voluntary performance targets, that DCP testing is intended for products currently being marketed in California, and that participating manufacturers may use means other than MAEDbS to report data outlined in Table A-3 of the Draft Report.

ESA greatly appreciates the Commission's ongoing stakeholder engagement for the design of the VPF-LPM effort. Please contact me at sberl@theesa.com if the Commission requires any further information or Staff have any questions regarding these comments. We look forward to further engagement and discussion with the Commission Staff on the Voluntary Performance Framework for Low Power Modes.

Sincerely,

/s/ Sara Berl

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