

DOCKETED

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Comments of the Entertainment Software Association

Additional submitted attachment is included below.



October 24, 2016

E-filed

Commissioner Andrew McAllister
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Docket No. 16-AAER-02
2016 Appliance Efficiency Rulemaking:
Computers, Computer Monitors, and Signage Displays
Comments of the Entertainment Software Association

Dear Commissioner McAllister:

The Entertainment Software Association submits these comments in response to the “Proposed Regulatory Language: Express Terms Computers, Computer Monitors, and Signage Displays” circulated Sept. 9th by the Commission.

We direct our comments to two issues: the definition of “game console” and the treatment of handheld gaming devices.

1. Excluding Game Consoles

We agree that game consoles are distinct from computers and should not be subject to an energy efficiency standard applicable to PCs. We support the express exception for game consoles from the definition of “Computer.”

For purposes of that exception, the Commission has proposed to define “game console” as follows:

“Game console” means a device that is designed and marketed primarily for video game usage and that does not have the ability to add or remove system memory or a central processing unit.

While our preference remains for a definition of “game console” that more closely tracks our prior suggested language, we recognize the Commission’s interest in a more streamlined approach. The Commission’s proposed definition of “game console” is acceptable to us, subject to one caveat.

We infer that the limitation on upgrades is intended to apply to *post-sale* modifications by the user and not, for example, a situation where a specific console model may be offered at the point of sale in different configurations. We request that the Commission include in the final rule clarifying commentary that the limitation applies only to post-sale modifications.

2. Excluding Handheld Gaming Devices

In the prior staff report, the Commission expressly excluded “handheld gaming devices” from the definition of “computer.” However, in the latest proposed regulatory language, the Commission has omitted that exclusion. In its place, it has added one for “small computer device.” We are concerned that the shift in terminology creates ambiguity over the treatment of “handheld gaming devices,” some of which may not otherwise qualify as a “small computer device” if the handheld has a screen size greater than 20 square inches.

Both NRDC and ESA are in agreement that handhelds should not be subject to the final rule and have been working on a possible solution to this problem. Specifically, we have been discussing a separate carve-out from the definition of “computer” for “handheld gaming devices.” NRDC has proposed to define the term this way:

“Handheld gaming device” means a handheld product whose primary function is to play video games with an integrated display as the primary game-play display, and which primarily operates on an integrated battery or other portable power source rather than via a direct connection to an AC power source.

ESA and the console makers are evaluating this definition; we expect that vetting process to be complete within the next week.¹ We will update the Commission before the end of the month.

3. Mobile Gaming Systems

ESA takes no position on the proposed energy efficiency standards that would apply to gaming laptops vis-à-vis the term “mobile gaming system.” However, we are concerned about the label itself, which is suggestive of handheld gaming devices.

¹ To date, the discussions have been between ESA and NRDC only. We have not yet consulted with the IOUs.

Commissioner Andrew McAllister

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For this reason, we suggest that the term “mobile gaming laptops” might be more appropriate.

Sincerely,



Michael Warnecke

Chief Counsel, Technology Policy

Entertainment Software Association

cc: docket@energy.ca.gov

Harinder_Singh@energy.ca.gov