

Sharp Labs of America

5750 NW Pacific Rim Blvd.
Camas, WA 98607, USA
1.360.817.8496

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California Energy Commission
Docket No. 09-AAER-1C
Docket Unit
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5504

To the Members of the California Energy Commission:

The comments that follow are on behalf of ("SHARP") Sharp Electronics Corporation, Sharp Laboratories of America, and Sharp Corporation.

SHARP respectfully submits these comments in opposition to the Notice of Proposed Action, Proposed Amendments to Appliance Efficiency Regulations, CEC Docket No. 09-AAER-1C (Sept. 18, 2009) ("NOPA").

First, SHARP would like to highlight our strong commitment to energy efficiency in the television market. SHARP led the project team that developed IEC 62087, the test procedure on which the NOPA is based. SHARP has fully embraced the voluntary Energy Star program as a means of reducing television power consumption nationwide. As an example, this summer, SHARP began shipping the LE700 line of AQUOS LED TVs. This line of televisions already meets the energy limits of Energy Star 5.0. Specifically, the LC-52LE700UN only consumes 105W, despite its 52-inch classification. Additionally, this television only consumes 0.1W in standby.

SHARP's support for Energy Star stems in part from the program's clear policy goals. At the introduction of each new Energy Star specification, the target is to achieve 25% compliance at introduction. Over time, compliance rates grow, new data is collected, and newer versions of the specifications are developed and introduced to the market. The specifications are developed with all interested parties invited to the table, including industry. Industry involvement helps ensure that there are no unintended consequences in the target market.

In contrast to Energy Star, the power limits set forth in the NOPA were not set based on clear policy goals and accumulated TV power consumption data. For instance, at no time has the CEC clearly defined an "outlier" (for instance, the power of a median television in a size category plus a given percentage.) Without such a clear definition of goals, the NOPA introduces long-term uncertainty into the television market. In general, uncertainty reduces investment which reduces innovation.

In addition, there is detailed language in the NOPA that would have unintended consequences. As but one example, no hotel TVs currently sold in the US market would meet the NOPA functional requirements, and it is unlikely that new technology, designs and product would be available within the stated timeframe.

For these and other reasons – and despite the fact that SHARP televisions are among the most efficient in the world – SHARP opposes the NOPA and supports the comments of the Consumer Electronics Association.

The following is a list of specific problems that SHARP has identified with the language of the NOPA:

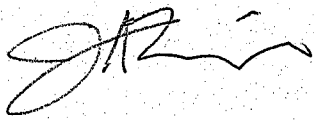
1. Regarding the definition of a Television (TV) in Section 1602, it is not clear if the proposed language applies only to TVs "marketed to the consumer as a TV", or to televisions sold to businesses as well. Non-residential televisions include TVs sold for use in hotels, hospitals, meeting rooms, airports, point-of-purchase locations, stadiums and for a variety of other applications. It is our position that televisions for businesses should be excluded in clear language, since the analysis done by CEC staff and discussions at hearings did not take the broad requirements of these applications into consideration.
2. Regarding Section 1604 (3) (A), Power Factor should not be regulated, and, thus, does not need to be measured. Reducing TV Power Factor is not cost effective for consumers. Savings for the consumers are on the order of pennies per year at best. These savings are clearly not enough to pay for more expensive power supplies. There is no economic justification for a television power factor requirement. Note that not even Energy Star – a program that identifies the top products on the market – has power factor requirements.
3. Regarding Section 1604 (3) (D), the luminance measurement method does not relate to any national or international standard for measuring perceived brightness of a displayed image. Due to power limiting circuitry, the brightness of the 3-bar signal in various modes does not correlate with the perceived brightness of images produced with local light producing technologies, such as plasma, OLED, and possibly area dimming LCD TVs. In effect, the CEC has written a measurement procedure that is not technology neutral. Until a national or international standard for measuring perceived brightness of a display is published, the CEC should not set a luminance limit.
4. Section 1605.3 (3) (B) does not allow for data acquisition mode. This section would make features such as electronic program guides and emergency alert unavailable to California consumers. Section 1605.3 (3) (B) would eliminate the availability of current and future features for consumers and should be removed. This is a clear example of stifling innovation.
5. Section 1605.3 (3) (B) would remove all hotel TVs from the California marketplace. Hotel TVs maintain a 24/7 connection to the hotel TV server – even after the user has turned off the TV via the remote control or switch on the TV. To our knowledge, no hotel TV takes less than 1W in standby, due to the additional circuitry that maintains this server connection. Section 1605.3 (3) (B) would eliminate an entire segment of televisions from the California TV marketplace. It would likely have other unintended consequences in other non-retail market segments. Without question, Section 1605.3 (3) (B) should be removed.
6. Section 1607 (11) (A) is unacceptable. The size of the on-screen menu fonts are designed for viewing at a great distance from the screen during normal use. The font size is often exceptionally large to assist viewers with limited eyesight. In general, no other text on a television – not even the manufacturers' logo – is nearly so large. As an example, the largest font on SHARP's LC-46LE700UN (the SHARP logo) is less than 5/16" tall, while the on-screen graphics include text that is 2-1/2" tall. The unintended consequence of such a ruling would be to limit the size of on-screen text, which would harm viewers with limited eyesight.
7. Section 1607 (11) (A) is impractical. One of the last aspects of a television design to be finalized is the picture settings. These settings affect energy consumption directly. On the other hand, tooling for the television body and labels has a longer lead time. Requiring permanent labels on the television would negatively affect product introduction and financials.
8. SHARP supports power labeling, but believes that Section 1607 (11) (B) is premature. There have not been adequate discussions with manufacturers and retailers to ensure that there are no negative consequences, and that consumers are optimally informed. SHARP prefers that disclosure and labeling rules be set by the US FTC.
9. Section 1607 (11) should include clear language stating that once disclosure provisions are enacted by the US FTC that this entire section will become inactive. In general, this would be assumed to be the case, but if the FTC is mute on some items, confusion could result.

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SHARP thanks the Commission for the opportunity to comment on the proposed action. More importantly, SHARP looks forward to continue to lead by producing ground breaking energy efficient televisions.

If you have any questions or concerns, please contact me by phone at 360.817.8496 or by e-mail at jonf@sharplabs.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Fairhurst', with a stylized flourish at the end.

Jon Fairhurst
Sharp Laboratories of America