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to Draft Test Method and Data Collection Procedure

Additional submitted attachment is included below.

BEFORE THE
CALIFORNIA ENERGY COMMISSION

In the matter of: Phase 2 Appliance Efficiency Regulations & Roadmaps	Docket No. 17-AAER-12 Low-Power Mode

COMMENTS OF

THE CALIFORNIA CABLE & TELECOMMUNICATIONS ASSOCIATION
NCTA – THE INTERNET & TELEVISION ASSOCIATION
CABLE TELEVISION LABORATORIES, INC. D/B/A CABLELABS®

The California Cable & Telecommunications Association,[1] NCTA – The Internet & Television Association,[2] and Cable Television Laboratories, Inc. d/b/a CableLabs[3] respectfully submit these comments in response to the Commission staff's request for comments on the draft test method and data collection procedure (DCP) proposed by the investor-owned utility Statewide Codes and Standards Enhancement (CASE) team. These comments focus exclusively on the application of the DCP to "small network equipment" (SNE) such as modems and routers that cable operators use to deliver Internet access services to consumers.

I. The SNE Data that Would be Collected by the DCP is Already Available.

The proposed test method calls for measurements of devices when they are "not performing their primary function." By its own admission, that approach cannot be used for "products that continuously provide their primary function."[4] This category includes SNE. Modems, routers and other SNE must also always be available to Voice-over-IP telephone services that need to be instantly available at all times to place a call to 911 or to receive an

[1] The California Cable & Telecommunications Association is a trade association consisting of cable providers that have collectively invested more than $40 billion in California's broadband infrastructure since 1996 with systems that pass approximately 96 percent of California's homes.

[2] NCTA is the principal trade association of the cable television industry in the United States, which is a leading provider of residential broadband service to U.S. households. Its members include owners and operators of cable television systems serving nearly 80 percent of the Nation's cable television customers, as well as more than 200 cable program networks. Cable service providers have invested billions of dollars in California to deploy and continually upgrade broadband networks and other infrastructure.

[3] CableLabs is a nonprofit research and development consortium established under the National Cooperative Research Act, 15 U.S.C. § 4301 *et seq*. CableLabs is the leading innovation and R&D lab for the cable industry and is a key participant in the development of technical specifications and in programs to promote energy efficiency in cable equipment and networks.

[4] California Investor-Owned Utility Codes and Standards Enhancement Team Initial Proposal for a Data Collection Procedure for the California Energy Commission's Low Power Mode Roadmap (May 14, 2021) at pp. 3-4.

evacuation order or other emergency alert during a wildfire or other emergency. Internet access must also be continuously available to security systems and cameras, thermostats and home monitoring systems, medical monitoring, personal assistants such as Amazon Alexa and Google Home, Internet-of-things (IoT) devices, automatic software updates, and other communications needs.

The CASE proposal tries to work around this incongruity by suggesting that SNE could be tested in a state in which it is not passing user-generated traffic. But that plan would result in a test that offers no material difference in intent from the already-existing American National Standards Institute ANSI/CTA-2049-A. This consensus standard test method measures SNE "idle mode" in which the device is powered on, maintains connections to the service provider and connected devices, and is capable of passing traffic but no user-generated traffic is initiated during the test.[5] Indeed, the CASE team alternately proposed the term "idle" state for its measurement. The proposal appears to be trying to accommodate the differences between always-on SNE and other devices that have a true inactive state, but reaching to develop special terms specific to SNE only demonstrates why the existing, tailored test method should be used in the first place.

Even if the Commission believes that it should review SNE "idle power" as part of this proceeding, there is no need for an additional data collection. Instead, it already has access to idle mode measurements using the consensus ANSI standard test method for all of the SNE models purchased and sold in California since 2015 by companies representing the vast majority of the market. Under the Voluntary Agreement for Ongoing Improvement to the Energy Efficiency of Small Network Equipment (Voluntary Agreement), these test results are verified through third-party testing, are independently audited by the Voluntary Agreement Independent Administrator D+R International, Ltd., and are published in reports by D+R that are posted on the Voluntary Agreement website.[6]

Therefore, application of the proposed DCP to SNE is unnecessary because the Commission already has access to comprehensive data. This fact should be welcome news given the daunting breadth of this proceeding and the planned data collection process. The avoidance of unnecessary duplicative testing will help the Commission and CASE team focus efforts and attention on other areas where it is most needed at this phase of the proceeding.

[5] ANSI/CTA-2049-A, *Determination of Small Network Equipment Average Energy Consumption*. The ANSI/CTA 2049-A test method defines idle mode as "ready to pass traffic, but no user-generated traffic is initiated during test." While such device is considered "idle," it is not "inactive" – the device still would be actively maintaining a fully functional Wide Area Network (WAN) connection, half of its Local Area Network (LAN) ports, and one connected Wi-Fi client.

[6] *See* https://www.energy-efficiency.us.

II. The Voluntary Agreement Will Continue to Secure Energy Efficiency of SNE

We and others have previously commented that SNE should be excluded from this proceeding because its energy efficiency is already secured by the Voluntary Agreement. According to independent audit reports backed by third-party verification testing, the energy efficiency of SNE has improved dramatically since the agreement began in 2015, relative to the speed of the services the devices support.

We understand that the IOUs have nonetheless raised questions to the Commission regarding the adequacy of the current terms of the Voluntary Agreement as a substitute for future regulation. The parties are currently engaged with stakeholders to consider an extension of the agreement with revised more rigorous energy-efficiency commitments and hope to have an update for the Commission by the first half of 2022 that will, more than ever, demonstrate the effectiveness of the Voluntary Agreement in promoting both energy efficiency and innovation.

Respectfully submitted,

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