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in Response to the Energy Commission Staff's 8-25-21 Presentation

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 CONSUMER TECHNOLOGY ASSOCIATION

The Consumer Technology Association (CTA®) provides these comments in response to the Energy Commission staff's August 25, 2021, presentation in which they requested comment on the data collection procedures proposed by the California investor-owned utility (IOU) Statewide Codes and Standards Enhancement (CASE) Team.

CTA is North America's largest technology trade association, and our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. CTA owns and produces CES® – the most influential tech event in the world. Our membership includes manufacturers, retailers, distributors and installers of the consumer technology products that appear to be within the broad scope of this proceeding. Our members have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design and energy efficiency. CTA continues to lead the way in providing policymakers and the broader energy efficiency community with periodic and comprehensive reports on the power consumption trends and data for a wide range of consumer technology products, the latest of which, as described below, is directly relevant to the Commission's next steps in this proceeding.

I. Any Solicitation of Data from Industry Should be Deferred Pending Public and Commission Review of Upcoming CASE Team Testing.

In prior comments, CTA has emphasized the importance in relying upon test methods that have been approved by standards bodies and are already in use. Test methods approved by standards bodies typically have been subjected to rigorous and comprehensive validation, deliberation and review by a diversity of stakeholders to assure that they are reliable and repeatable, gather the most pertinent measurements, and are not unduly burdensome to perform. If the Energy Commission had proposed the use of such existing consensus standard test methods, which are available for many of the products under review in this proceeding, it would be reasonable to initiate the public data collection phase of this proceeding (which could be secured in large part from existing sets of data).

However, the CASE team has instead proposed its own test method. While based on the IEC 62301 test method, additions and modifications have been made that raise unanswered questions that require resolution. The proposal itself acknowledges that further changes will be

needed to this draft test method, among other reasons, “to improve test reproducibility and repeatability.”¹

Representatives of the CASE Team recently advised CTA members that it will be conducting “round robin” testing to “validate” and “assess” its draft proposed test method over the next few months. Before the Commission solicits any wide-scale data collection from industry, it should direct the CASE Team to make available, for public review and comment, the results of its round robin testing and associated review so that the Energy Commission may make a more informed decision regarding a test method.

This ordering is important because the Energy Commission should seek to assure that any industry-wide solicitation for data collection would produce optimal results so that it only needs to be done once. The CASE Team acknowledges that the data collected in its round robin using the existing proposed test method likely will ultimately not be usable in any terminal stages of this proceeding because the test method(s) that should be used to support any Commission decisions have not been determined. CTA agrees with the CASE Team that the test method “used in the data collection phase must be fundamentally similar to the test procedure(s) used in later phases of the Roadmap” because the “fundamental continuity of test procedures will allow for data collected in earlier stages to maintain its relevance in later stages.”² Given that the results of the next round of testing – at least if done using the unvalidated draft CASE Team proposed test method – will not be able to maintain that relevance for ultimate use, it would be wasteful and premature for the Energy Commission to ask industry to spend thousands of hours testing thousands of unique models of devices and completing a spreadsheet with 77 columns for each and every model tested.

II. The Commission Should Consider Additional Relevant Data

At the time that the Commission considers the results of the CASE Team’s round robin testing, it should also seek out, and permit parties to submit, other relevant data for consideration.

A. CASE Team Test Results Should be Compared to Third-Party Data

One type of pertinent information is the results of tests conducted by third parties using either the CASE Team draft test method and/or existing standards-bodies test methods that measure an idle, inactive, standby and/or other low-power state. The former could be used to evaluate the repeatability of the CASE Team method while the latter could inform whether it is actually necessary to use a new, non-consensus method instead of relying upon already proven and widely used test methods for particular categories of devices. The use of existing, validated consensus test methods that are individually tailored to measure a low-power mode of specific types of equipment are superior to a horizontal test method that attempts to cover a wide range of diverse electronics. These existing test methods include the ENERGY STAR test method for

¹ 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 p. 3.

² 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 p. 2.

imaging equipment, ANSI/CTA-2084-A for audio-visual (AV) equipment (including smart speakers and soundbars),³ ANSI/CTA-2049-A for small network equipment, and the ENERGY STAR test method for smart thermostats.

The Energy Commission should also carefully study the round robin results in contrast to other test information to consider whether all the information fields in the current version of the proposed DCP are actually necessary. Participation in a voluntary collection effort would be suppressed if its testing and reporting requirements are unduly and unnecessarily time-consuming and burdensome.

B. Market Studies Should be Used to Analyze and Balance Priorities

Before casting a wide net that collects data from a nearly unlimited set of devices, the Energy Commission should use existing sources of data to evaluate which categories of devices can be excluded because sufficient data is already available, and which categories should be excluded because they are used only in low quantities in California and/or realistically offer only limited potential for efficiency improvement. This existing data can then be complemented by very targeted data collection in discrete product and equipment categories where less is known. Consumer electronics devices represent only 4.5 percent of U.S. electricity use. Of that share, 85 percent of the energy is consumed by the thirteen categories of devices covered in depth in the latest CTA-commissioned *Energy Consumption of Consumer Electronics in U.S. Homes* study released in October 2021.⁴ More than half of that energy is used by televisions and computers that are already subject to energy efficiency policy and programs. The inclusion of other trivial device types in a massive data collection would unnecessarily lead to costly and burdensome testing without meaningfully furthering the Energy Commission’s objectives. Instead, the Commission should prioritize the study of devices where it can reasonably expect to identify opportunities to best achieve the most energy savings.

CTA is pleased to provide this latest energy use study – the fifth one we have commissioned over the past 15 years – to the Energy Commission at a fortuitous time as it begins to gather information for this proceeding. The study provides a significant contribution of data for the consumer technology products sector, and it may enable a redirection of CASE Team research resources to other product and equipment sectors where low power mode patterns and trends are less understood or less well known. We urge the Energy Commission to review this new report and seek out similar information from other equipment and device categories of interest in this proceeding.

III. SNE and other Continuous-Use Device Categories Should be Excluded

The CASE Team acknowledges that the use of its proposed test method would be “problematic” and that there would be “challenges” for “products that continuously provide their

³ CTA described the development of this consensus standard in prior comments. The standard was adopted by ANSI in August 2021.

⁴ The report is available at <https://cta.tech/Resources/Articles/2021/Energy-Consumption-of-Consumer-Electronics-in-U-S>.

primary function.”⁵ This recognition highlights why such products do not fit within the scope of this proceeding, which is focused on identifying energy savings opportunities for devices that do spend significant time consuming material amounts of power while not performing their primary function. This mismatch is a reason why CTA has previously explained that small network equipment (SNE) should be excluded from this proceeding, because such devices are always performing a “primary purpose” of maintaining continuous Internet and Wi-Fi connectivity.⁶

Moreover, to the extent that the Energy Commission wishes to review the energy usage of small network equipment when the devices are not passing user-generated traffic, a data collection on SNE is unnecessary because the Commission already has access to that “idle mode” energy usage information for all of the models purchased and sold in California over the past six years by companies representing the vast majority of the market, using the consensus ANSI-CTA standard test method. This data is independently audited (including through third-party verification testing) and published in reports by D+R International, Ltd. which are posted at <https://www.energy-efficiency.us>. The Energy Commission is welcome to use these audit reports to inform its further considerations in this docket.

Respectfully submitted,

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⁵ 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.

⁶ SNE should also be excluded because it is already covered by a comprehensive voluntary agreement that has been endorsed, among others, by the Canadian federal regulator, Natural Resources Canada.