

DOCKETED

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PHTA Comments to 15 day pool control language

Additional submitted attachment is included below.



July 10, 2023

Submitted via: [Docket Log 23-FDAS-01](#)

Commissioner J. Andrew McAllister, Ph.D.
California Energy Commission
Dockets Office, MS-4
1516 9th Street
Sacramento, CA 95814

Re: Pool Controls, 15-day Proposed Regulatory Language, Docket # 23-FDAS-01

Dear Commissioner McAllister:

The Pool & Hot Tub Alliance (PHTA) represents more than 3,650 company members and over 11,000 individual members nationwide, including companies that manufacture pool pump controls as well as controls for other pool equipment. PHTA has a long history of working with the California Energy Commission (Commission or CEC) and appreciates the opportunity to continue a positive collaboration to ensure the Flexible Demand Appliance Standards that are issued for pool controls will be something consumers will utilize and that manufacturers can provide.

We submit the following comments to the proposed 15-day regulatory language on behalf of our member companies, many of which will also be responding individually. PHTA welcomes your careful consideration of these comments. If you have any questions on these comments, please contact me at jen@jhatfieldandassociates.com on behalf of PHTA.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Hatfield". The signature is written in a cursive, flowing style.

Jennifer Hatfield
Government Affairs Consultant
Pool & Hot Tub Alliance

cc: Justin Wiley, PHTA VP of GR, Standards and Codes, jwiley@phta.org

PHTA and its members support California and the Commission's efforts to reduce energy demand and lessen greenhouse gas emissions by establishing a statewide flexible demand appliance standard for pool controls. We appreciate the CEC considering and taking some of our suggestions as presented in our April 10, 2023, comments. However, several concerns remain as well as new concerns now present, based on significant changes that were included in the June 23, 2023, 15-day proposed regulatory language. We urge the CEC to weigh heavily the following comments before finalizing this rulemaking:

Section 1691. Definitions.

PHTA suggests the Commission take the entire Energy Star definition of "open standards" and not just part of it, to ensure consistency and prevent confusion. In addition, per the CEC's June 29, 2023, email providing PHTA clarification on what constitutes an open standards communication, we would encourage the same list of examples provided to us be included in the definition itself. This will provide clarity and guidance that can be extremely useful to those required to comply with this rulemaking.

Replace the current proposed "open standards" definition with the following language:

"Open standards" means a communication with entities outside the CPPS that use, for all communication layers, standards:

1. Included in the Smart Grid Interoperability Panel (SGIP) Catalog of Standards, and/or
2. Included in the National Institute of Standards and Technology (NIST) Smart Grid Framework Tables 4.1 and 4.2, and/or
3. Adopted by the American National Standards Institute (ANSI) or another well-established international standards organization such as the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU), Institute of Electrical and Electronics Engineers (IEEE), or Internet Engineering Task Force (IETF).

Examples would include, but not be limited to, Wi-Fi, Zigbee, and Bluetooth.

In addition, if the following links can be provided within the rulemaking or within any forthcoming guidance, this could also be helpful, as they are the same links Energy Star provides for Items 2 and 3 above, respectfully:

- <https://www.nist.gov/programs-projects/smart-grid-national-coordination/catalog-standards>
- http://www.nist.gov/smartgrid/upload/NIST_Framework_Release_2-0_corr.pdf

Section 1693. Appliance Specific Standards.

Radio Broadcast Data System Receivers

This is another area of the 15-day proposed language that marks a substantial new requirement that previously did not exist in prior proposed language nor was requested by industry or the California Investor-Owned Utilities. Simply put, this came as a surprise to industry considering the February 23, 2023, staff report determined not to include FM connectivity. The change appears based on one stakeholder comment, without inquiring from industry if this was something currently done or could be achieved.

A January 1, 2027, compliance requirement is not adequate time, first and foremost due to the fact no industry manufacturer currently produces products with a radio broadcast data system receiver. Considering the industry has not even attempted such a design, there may be many technical pitfalls and difficulties that would have to be overcome or that may simply not work with current products. Initial assessments have concluded that there are possible security concerns with such a requirement, for instance. Further there are a lot of unknowns regarding reliability and good communication when using a radio broadcast data system receiver.

Our preliminary evaluation is FM is not a practical application for pool control products, but even if it is found to be technically feasible, the time and costs to redesign all current products are underestimated. What is cited as the cost to do so is a small portion of what the total cost will be to a manufacturer. In the end, 15 days is simply not enough time for industry to do the due diligence to know all the issues that may exist and what that may mean in terms of cost and time to comply.

PHTA suggests the CEC remove this requirement in the final regulation. If it is something the Commission wants to consider in the future, we would request time for a thorough discussion with industry prior to making it a future requirement. Considering additional products will be added to the flexible demand program, an FM receiver could be added at a later date, if found to be a practical application for pool controls.

Compliance Date

PHTA supports the addition of the connected ready option for devices manufactured on or after September 13, 2024. Industry concern with the January 1, 2027, compliance date is that by removing the connected ready option consumers who have built their pool pad based on that option and have a centralized control platform will now in effect be penalized or they will simply hesitate to purchase new products. This is because PHTA interprets the January 1, 2027, requirements to mean that even if a consumer already has a connected pool pad, but they want to now replace or upgrade a piece of equipment, they must pay again for something they already have due to the requirement it must be a connected device and not simply connected ready.

PHTA suggests the Commission add a provision to allow the sale of “connected ready” pool controls for pool owners that already have the separate components necessary for connectivity, as consumers should not pay more for components they already have purchased. Perhaps the Commission can work with the utilities to determine if the consumer is using the flexible demand program with their connected ready device, allowing an exemption from having to purchase this unnecessary device.

Clock Requirements and Smart Devices

The 15-day language would require both local and remote set up, but most controls come with a simple interface, and it is within the smart device application, the remote set up, that the more comprehensive controls and options exist. An application on a smart device should be an approved user interface and should be considered local set up if it is going through Bluetooth.

To not interpret a smart device application as a means for local set up is stifling the way technology is trending and what consumers want to use. Consumers do not want to have to go out to their pool pad to control the various equipment, rather, they want to be able to do so not only from the comfort of their living room, but also from afar. Further, if a smart device application is not considered local set up, manufacturers will have to add these more comprehensive controls to the pump itself, which will have additional costs not accounted for in the staff analysis and in most cases, these added functions will not be utilized.

PHTA suggests that a “smart device application” be added to (B)2 to provide the needed clarity. To do otherwise is contrary to where the market is going and only adds cost to the consumer that is not warranted.

Section 1694. Customer and Consumer Consent.

The 15-day language adds new sections (b)-(e) that may not be applicable to pool controls. We understand this section is ultimately for all products that fall under flexible demand standards and is not intended to be specific to pool controls, but as written there are concerns with how pool controls must respond, as follows:

(b) Is the intent whether the pool control can start/stop and/or change the schedule of its own operation or is it that the pool control be capable of starting/stopping and/or changing the operation or schedule of the specific equipment? Equipment could be the pool filter pump, pressure cleaner booster pump (PCBP), and/or an electric pool heater, for example.

(c) Is the intent whether the pool control can provide the operation status and programmed schedule of the pool control itself or is it that the pool control should be capable of providing the operation status and programmed schedule of the specific equipment (i.e., pool filter pump, PCBP, and/or electric heater)?

(d) Is the intent whether the pool control can provide a transmission representing the real-time power draw of the pool control itself or is it that it must be capable of providing the data of the real-time power draw of the specific equipment it is controlling?

(e) Is the intent whether the pool control is capable of starting/stopping and/or changing the schedule of its own operation or is it that the pool control can start/stop and/or change the operation or schedule of the specific equipment it is controlling?

Using item (d) for a more detailed example of our concerns, we understand this is requiring the real-time power draw to be reported, but the power draw for the actual pool control is minimal. If the intent is to ascertain the power draw of the products the pool control is controlling, how would a pool control know what other equipment is hooked up and running, and how to estimate its consumption and be able to report back?

The power draw and other requirements in these new subsections make sense if the appliance is a connected washing machine, for instance, as you are specifically looking for the information from the washing machine. In the case of a pool control, it can be controlling a multitude of equipment and it is not feasible for that to be reported. Therefore, PHTA recommends the Commission consider an exception for pool controls to these specific requirements. Alternatively, we request the Commission clarify how this would work where potentially the pool control is connected to multiple pieces of equipment.

Conclusion

Pool controls are the first product to be regulated under the flexible demand standard program and we urge the CEC to not rush a rulemaking that in this latest 15-day language has substantive new requirements and many areas that are unclear and could cause interpretation issues. This in turn will negatively affect the program itself, the consumers and the manufacturers who are trying to comply with an ambiguous rule.

The suggested PHTA modifications to the latest proposed regulatory language are opportunities for further improvement that we strongly urge the Commission consider before issuing a final rule.