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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

CALBROADBAND
CONSUMER TECHHNOLOGY ASSOCIATION
NCTA – THE INTERNET & TELEVISION ASSOCIATION
CABLE TELEVISION LABORATORIES, INC. D/B/A CABLELABS®

CalBroadband,[1] the Consumer Technology Association® ("CTA"),[2] NCTA – The Internet & Television Association,[3] and Cable Television Laboratories, Inc. d/b/a CableLabs[4] (collectively, the "commenters") respectfully submit these comments regarding the proposed implementation of a data collection procedure (DCP) using the plan offered by the investor-owned utility Statewide Codes and Standards Enhancement (CASE) team. These comments focus exclusively on the application of a DCP to "small network equipment" (SNE) such as modems and routers that cable operators use to deliver Internet access services to consumers.

After consideration of the proposed DCP and the broader objectives of this proceeding, the commenters offer the attached most recent report of the annual audit of the Voluntary Agreement for Ongoing Improvement to the Energy Efficiency of Small Network Equipment ("Voluntary Agreement") in lieu of individual company responses to a DCP. Appendix A of this report includes power measurements and identification of features relevant to energy usage for 487 models of SNE, which covers every model that the program signatories sold or purchased for use in the state of California in 2023. Prior year reports dating back to 2015 include

[1] CalBroadband 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] CTA is North America's largest technology trade association that owns and produces CES®, the world's most influential tech event. CTA's members are the world's leading innovators, from startups to global brands, including many manufacturers of SNE.

[3] 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.

[4] 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.

hundreds of additional models and are publicly available online.[5] The program signatories include all of the major wireline internet service providers in the state (Altice, AT&T, Charter, Comcast, Cox, Frontier and Verizon) and the leading manufacturers of SNE sold at retail in the state and online in the United States (Actiontec, Amazon (eero), ASUS, Belkin/Linksys, CommScope (ARRIS), Google, Netgear, Plume, Sagemcom, TP-Link, Ubee Interactive and Vantiva). These tests were performed using the consensus ANSI/CTA-2049-B standard test method and were subject to third-party verification testing and independent audit by the Voluntary Agreement Independent Administrator, D+R International. The Commission can therefore have greater confidence that the data is more comprehensive and authenticated than data supplied by individual companies or third parties.

This consolidated submission is less burdensome than each individual company being urged to submit data using the DCP Reporting Tool to the Commission's Modernized Appliance Efficiency Database System (MAEDbS) platform, which is not familiar to most Voluntary Agreement signatories. The commenters are willing to provide updates (if any) upon request for the duration of any DCP.

While the CASE test method and DCP Reporting Tool call for the provision of additional minor details that are not included in the Voluntary Agreement reports, the Voluntary Agreement report data is more than sufficient for the Commission to evaluate SNE energy usage at this early stage of its proceeding. The allowance column (fifth column of Table 3 in Appendix A) identifies the features of each device that are relevant to its energy usage, such as technology, port types and speeds, Wi-Fi radio types, battery, and other interface information. SNE devices do not typically have user interfaces or sensors that comprise most of the other columns in the DCP Reporting Tool, and the setup conditions and measurement run conditions specified in the Tool would be in conformance with the ANSI test method.

The CASE test method also calls for a 60-minute test and reporting of average power over that 60 minutes and also average power during the final 15 minutes of the test, while the national-standard ANSI test method takes only one measurement at 10 minutes. CableLabs, which has extensive first-hand experience testing SNE in its Energy Lab, has found that, as a general matter, a 60-minute test is not likely to produce results that would be so materially different as to provide additional information that would be useful to the Commission's high-level policy evaluation. If SNE were to remain in-scope during the later target specification stage of this proceeding, the commenters would engage with the Commission to demonstrate why the ANSI test method should be used instead of the CASE test method. In the meantime, because the comprehensive Voluntary Agreement test results are more than adequate to satisfy the purpose of the DCP, the commenters presume that the Commission would agree that it would be unnecessarily wasteful to retest hundreds of models using a substantially similar but much longer test method procedure.

For the foregoing reasons, the commenters believe the attached information and offer to provide requested updates will be sufficient to satisfy the purposes of the DCP.

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

The commenters remind the Commission that SNE should be excluded from the scope of this proceeding because SNE is always performing its primary function, which is to maintain a continuous network connection in the home. The CASE team's proposal acknowledged that its proposed test method is not appropriate for "products that continuously provide their primary function,"[6] but suggested that the primary purpose of SNE is only to pass user-generated IP traffic. On the contrary, the primary purpose of modems, routers and other SNE is to always be available for incoming and outgoing traffic, including to and from Internet-of-things devices and other applications and services. Just as examples, Internet connections need to be continuously available to receive evacuation orders and other emergency alerts during a wildfire or other emergency and to send and receive automated alerts associated with medical monitoring and security systems and cameras. SNE should not be evaluated as if similar to devices that can be powered down during periods of non-use and that are not expected to be ready at all times to timely perform critical functions.

Finally, regulation of SNE remains unnecessary because its energy efficiency continues to be secured through the Voluntary Agreement. D+R's most recent report found that the weighted average of new SNE in the United States has decreased by 89% since the agreement began in 2015, relative to the speed of the services the devices support.

Respectfully submitted,

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[6] 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.