



Philips Electronics North America Corporation

May 31, 2011

California Energy Commission
Docket Office, MS-4
Re: Docket No. 09-AAER-2
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5504

DOCKET

09-AAER-2

DATE May 31 2011

RECD. May 31 2011

RE: Docket No. 09-AAER-2

Dear Commissioners:

Philips Electronics sells personal care, consumer electronic, inductively charged tooth brush, exit signs and emergency lighting and medical products (Nebulizers, Portable Oxygen, Automatic External Defibrillators, sleep apnea machines) that use battery chargers. We have provided comments for a number of CEC rulemakings regarding battery chargers and external power supplies. Philips is a member of AHAM, CEA, NEMA, and the Wireless Power Consortium.

We appreciate the willingness of staff to engage stakeholders and staff has addressed many of our concerns. But we share concerns that our trade associations and others are raising regarding many issues including: DOE preemption, effective dates, standard for small battery chargers using nickel chemistries, regulation of infrequently charged products, failure to consider usage patterns, the lack of product categorization and labeling.

Thank you for consideration of our comments. Please let me know if you have any questions concerning them.

Sincerely,

Ric Erdheim

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Emergency Lighting

We appreciate that the staff has proposed to exempt exit signs, which mark the egress path direction change, from the proposal but the proposal would regulate emergency lighting products, which provide emergency illumination of the egress path. The proposed energy levels for emergency lighting products are below that which would be necessary for many of our existing products.

There four three preliminary issues to consider regarding emergency lighting.

1. Unlike many if not most of the other products that the staff recommendation would regulate, emergency lighting products are heavily regulated life safety products. As such, the CEC should be overly cautious in proposing a regulation without a thorough understanding of the products and the potential impacts of the proposal on life safety.
2. Unlike most of the other CEC proposed regulated products, the Department of Energy regulation of battery chargers will not cover emergency lighting products. As such any DOE action will not preempt the CEC from issuing its own regulations. This means that the CEC does not face the same time constraints for emergency lighting as it feels it has for other products.
3. CEC staff and ECOS have said they relied heavily on the DOE analysis to make the necessary determinations required by the Warren-Alquist Act. But since the DOE rulemaking does not address these products there is no DOE analysis to consider in making the Warren-Alquist determinations for these products. The record is virtually devoid of any of the information that the staff would need to make the Warren-Alquist determinations for emergency lighting products.
4. At the March 3 workshop the CEC staff provided information about the cooperative process it had with the National Electrical Manufacturers Association and its members to address a lighting controls regulation. This is just one of numerous examples of such cooperation. We believe that if the CEC wants to address emergency lighting it should use a similar process to work with NEMA in a separate process to address emergency lighting and remove the proposal to regulate emergency lighting from this rulemaking.

Our concern is that the original CASE report, which called for regulating these products, did so without any understanding of the existing regulatory requirements. It simply examined the efficiency of lower end products and concluded that emergency lighting could meet the proposed standard. But the existing building codes require emergency lighting products to provide a certain amount of light in a specified area. Examining the energy use of any one product simply ignores the existing regulatory requirements that focus on light and area.

We provided the staff with an analysis showing that it would take nine of the emergency lighting products shown in the CASE report to provide the light output that two standard Philips Chloride lights would use. We have attached that analysis to these comments. And when you total the energy use of those nine products, it actually exceeds the energy use of the two more typical Philips Chloride products.

In addition, establishing a standard that only allows low end products would wind up increasing the costs to California citizens. The following information demonstrates these additional costs.

Imported units (9 ea)

Unit cost = \$30.00 ea * 9 = \$270.00

Labor = 1 hr ea @ \$85.00/hr = \$765.00

Installation cost = \$1,035.00

Alternative product (2 ea)

Unit cost = \$250.00 ea * 2 = \$500.00

Labor = 1 hr ea @ \$85.00/hr = \$170.00

Installation cost = \$670.00

This initial cost of ownership does not take into consideration the additional j-boxes, pipe and wire associated with the different scenarios where the nine will be less favorable than the two.

So establishing a standard based on energy use per product fails to consider existing regulatory requirements and would increase energy use and increase cost to California consumers, exactly opposite what is required by the Warren-Alquist Act. We think that because of these existing regulatory requirements and the broad range of emergency lighting products in terms of voltages and battery chemistries makes establishing a standard extremely challenging.

We also note that the concept of excluding life safety products from such regulations is hardly a radical suggestion. Last year the Congress passed legislation that would exempt security or life safety alarm or surveillance systems from Federal external power supply regulations.

We urge the CEC to exempt emergency lighting products from this regulation because the case report has failed to consider existing building code requirements for emergency lighting products and the CEC record is devoid of any background information that the CEC needs to make the necessary Warren-Alquist findings for emergency lighting.

At the very least the CEC should remove emergency lighting from this rulemaking and establish a separate process to determine whether establishing a standard for emergency lighting can be done consistent with the requirements of the Warren-Alquist Act.

Test Procedure

We support the CEC proposal to eliminate the requirement in the test procedure to test products at 230 volts. Since no products will be sold in California using 230 volts, this provision in the test procedure could result in our inability to sell product in the state because of the voltage system used in Europe.

With regard to the test for inductive charge, our preference would be to run the test for 24 hours and if it takes longer than 24 hours to fully charge just measure energy used in charging during the 24 hours and have that be no more than 24 watt hours. If you want the measure the energy to fully charge the battery we would recommend to run the battery until it is fully charged and then allow one watt hour for every hour the battery is charging.

The CEC also asked for comments regarding product testing with additional functions turned off. Philips believes that at a minimum testing should allow for turning off the LED battery

charge display. This display provides an important consumer function that is not part of the battery charger efficiency.

Medical Products

Philips supports the CEC staff proposal to exempt Class II and III medical products regulated by FDA from the scope of the rulemaking for the reasons we provided in our November 2010 comments. We are still examining the implications of regulating Class I medical devices.

Wireless Power

Philips and CEC staff have discussed how the proposed regulations would apply to wireless power. We understand that the CEC position is that qi compliant base stations were not battery chargers, and that end unit receivers were not battery chargers and would not be included within the scope of the proposed rules. So charging system elements, such as a base station, would be outside the scope of the standard and **only** if a manufacturer were to make available on the market a complete charging system; including the base station and the receiver in a single package, would it be included with the scope of the proposed rules and subject to the testing requirement for efficiency.

Usage Patterns

We continue to raise our concern that the CEC needs to consider that many products are infrequently charged and as a result have little power for energy savings resulting in an unfavorable payback period. The Department of Energy has developed proposed usage patterns for close to sixty products with battery chargers. According to DOE data eighteen of these products are plugged into the mains on average 1 hour or less a day. Another eight are plugged into the mains on average less than half a day and only nineteen are plugged in all the time.

The CASE study, however, would propose to regulate infrequently charged products to the same extent as continuously charged products. The CEC staff report continues to quote an old study that says personal grooming products are connected to the mains 100% of the time. This makes no sense. ECOS staff says that data does not exist to distinguish these products. In other words, its proposed approach is to have the CEC stick its head in the sand and ignore common sense and existing DOE data.

Philips continues to urge the CEC to treat infrequently charged products in a separate class or classes to reflect the lack of energy savings potential for these products and the resulting long payback to increase the efficiency of these products.

Product Categories

During the workshop I raised the issue that the CEC staff proposal arbitrarily and inappropriately lumps almost all small products together in one product category notwithstanding the differences in the products. On page 9 of the CEC Staff Report the CEC contrasts the CEC's proposed three categories to the draft DOE ten category system. But this comparison is highly misleading. One of the three CEC proposed categories is large non

consumer products not addressed by the DOE. A second category, inductive charge, is found in both the DOE and CEC proposals. While the DOE proposed eight to nine categories to regulate non inductively charged small consumer products, and AHAM and Philips argued that even this was not adequate, the CEC proposes one category for all non inductively charged consumer products. Such a lumping of such a wide variety of products with extensive differences results in averaging that will have an unacceptable affect on certain products. A person can drown in a river with an average depth of one foot if they are in the part of the river where the depth is ten feet. We urge the CEC to group products into appropriate categories, not just lump all small non inductive products into one category.