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California Energy Commission  
Dockets Office, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5512

**DOCKET**

**11-AAER-1**

DATE Sept 30 2011

RECD. Sept 30 2011

**RE: DOCKET # 11-AAER-1 RULEMAKING ON APPLIANCE EFFICIENCY REGULATIONS  
(2009 RULEMAKING PROCEEDING ON APPLIANCE EFFICIENCY REGULATIONS -  
PHASE II - SUPPLEMENTAL COMMENTS)**

Dear Commissioner Douglas:

The California Cable & Telecommunications Association (CCTA) files these Supplemental Comments in the proceeding referenced above pursuant to the Notice of Scoping Workshop on the Energy Commission's consideration of adopting new appliance efficiency standards related to set top boxes.

As CCTA noted in its August 30 Comments, the adoption of state-specific technical standards for set top boxes inconsistent with federal standards is expressly preempted under Title VI, Section 624(e) of the Communications Act., which explicitly provides that "No state or franchising authority may prohibit, condition or restrict a cable system's use of any type of subscriber equipment or any transmission technology." Thus Section 624 (e) of the Cable Act expressly preempts the State of California from adopting technical standards related to energy consumption, or efficiency, of cable subscriber set top boxes.

Nevertheless, the testimony in the August 31 workshops, along with other Comments and studies, show that the cable industry has migrated to set top boxes that provide more functionality for the consumer, interface with new technologies and are, at the same time, more energy efficient and Energy Star rated.

CCTA remains committed to working with the Energy Commission as it examines the feasibility of increasing the energy efficiency of set top boxes. However, any examination of energy efficiency must acknowledge that the functionalities now located in the set top box must be preserved. While cable operators are currently using set top boxes that are far more energy efficient, energy consumption standards in the off mode can and will affect functionality. Set top boxes are constantly receiving, transmitting and/or recording service provider signals. Consumer program guides cannot be presented or updated, or security keys provided, if the power consumption on the box is lowered to a degree that the box cannot fully function. Significantly, the EPA has yet been unable to define an Energy Star off mode standard for set top boxes that does not restrict their functionality (See Kurt W. Roth, et.al., Residential Miscellaneous Electric Loads: Energy Consumption Characteristics and Savings Potential at 4-85 (2007 ( Miscellaneous Loads Report,)).

Set-top boxes are receiving important software updates and navigation information (such as changes in channel location), populating program guides with the latest programming schedules and descriptions, receiving EAS messages, and receiving and sending other data for diagnostics, to assure that the service delivers the functionality expected and enjoyed by consumers. Consumers also expect broadband to be “always on,” not dialed-up, with download times for information.

Nevertheless, Cable Operators are continuing to develop technologies that will provide even more energy efficiency. Cable operators are beginning to deliver cable video services via Internet Protocol (IP) to tablets, to new kinds of “smart” digital televisions, and to gaming stations without the need for set-top boxes. “TV Everywhere” delivers video directly from the cloud to devices with Internet browsers. One operator has moved an enhanced program guide from the set-top box to the cloud, and is trialing delivery of all video via IP. Another has moved to a network-based DVR service that allows viewers’ recordings to be stored in the network rather than recorded in individual set-top box hard drives within the customer’s home. Moving such set-top box applications into the network and cloud reduces energy requirements by allowing the processing and storage power of the network to be shared across many consumers. Other operators are developing alternative ways to reduce energy consumption in new devices, such as by spinning down the hard disk drive during inactive periods, and working with hardware and chip vendors to incorporate advanced,

The cable industry has embraced these energy conservation approaches because energy efficiencies improve cable’s business metrics by increasing the reliability and performance of the devices maintained for delivering services. Cable operators own and maintain tens of millions of these devices in consumer homes. If they fail, it means customer dissatisfaction, and expensive customer service calls and truck rolls. Lower power consumption generally leads to less heat and lower operating temperatures, lower failure rates, and fewer customer service calls. Integrating components onto “systems on a chip” also lower costs and increases our processing power to offer better applications and services in a highly competitive marketplace. Although it is strongly committed to energy conservation, the cable industry has real concerns that regulatory

mandates for a standard written yesterday may disable a cable operator from quickly offering tomorrow's innovative applications in the rapidly changing and competitive communications marketplace.

CCTA acknowledges and appreciates the leading role California plays in energy policy, and we look forward to participating in this proceeding. We also hope that the Commission will recognize our commitment to energy efficiency through the adoption of Energy Star set top boxes, but more importantly for the future, through new technologies that can continue to provide advanced functionalities that are not only necessary, but in many cases mandated nationally, to provide the most advanced broadband and video services to California.

Sincerely,

/s/ Lesla Lehtonen

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